THE TRIAL OF

WARREN HASTINGS, Esq.

PART I.

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PART II.

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WARREN HASTINGS, Esq.

LATE GOVERNOR GENERAL OF BENGAL,

BEFORE

THE COURT OF PEERS,

SITTING IN WESTMINSTER-HALL,

ON AN IMPEACHMENT DELIVERED AT THE BAR OF THE HOUSE OF LORDS,

AGAINST THE SAID WARREN HASTINGS,

BY

THE COMMONS OF GREAT BRITAIN,

IN PARLIAMENT ASSEMBLED.

PART I.

LONDON:

PRINTED FOR J. RIDGWAY, NO. 1, YORK-STREET, ST. JAMES'S-SQUARE.

MDCCLXXXVIII.

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P A R T I.

L O N D O N:

PRINTED FOR J. DEBRETT, NO. 1, PICCADILLY,

OPPOSITE ST. JAMES'S STREET.

MDCCLXXXVIII.

THE TRIAL OF

WARREN HASTINGS, Esq.

ON the morning of the 13th of February, 1788, the day fixed by the Lords for the commencement of the Trial, their Lordſhips met in their own Houſe; and having put on their Parliament robes, they proceeded, at twelve o'clock, in ſolemn order, to the building erected in Weſtminſter Hall for the fitting of the Court.—The proceſſion was opened by

THE LORD CHANCELLOR'S ATTENDANTS,
TWO AND TWO.

Theſe were followed by

THE CLERKS OF THE HOUSE OF LORDS.

THE MASTERS IN CHANCERY,
TWO AND TWO.

THE JUDGES OF ENGLAND,
TWO AND TWO.

KING'S SERJEANTS AT LAW, ADAIR AND HILL.

THE YEOMAN USHER OF THE BLACK ROD,

SIR FRANCIS MOLYNEUX, KNIGHT,
GENTLEMAN USHER OF THE BLACK ROD,
AND
TWO HERALDS.

Next appeared,

THE BARONS,
SINGLY.

THE BISHOPS,
SINGLY.

THE VISCOUNTS,
SINGLY.

THE EARLS,
SINGLY.

THE MARQUISSES,
SINGLY.

THE DUKES,
SINGLY.

THE ARCHBISHOPS,
SINGLY.

THE SERJEANT AT ARMS
ATTENDANT UPON THE HOUSE OF LORDS.

THE LORD CHANCELLOR.

AND LASTLY,
THE FOUR PRINCES OF THE BLOOD WHO HAVE SEATS IN PARLIAMENT,
THE DUKES OF CUMBERLAND,
GLOUCESTER,
YORK, AND
CORNWALL. (Prince of Wales.)

In

In this proceſſion, the minor orders of Nobility took the lead; and the juniors of each degree walked firſt, and the ſeniors laſt, which on this occaſion was the moſt honourable.

As their Lordſhips, in croſſing the Court to take their ſeats, paſſed in front of the throne erected for the King, they bowed to the ſeat of Majeſty, though it was empty.

When they had all taken their places, Francis Mackley, Eſq. Serjeant at Arms, made the three following proclamations:—

"*O yez! O yez! O yez!*—Our Sovereign "Lord the King commands all manner of "perſons to keep ſilence, upon pain of impri-"ſonment."

"WARREN HASTINGS, Eſq. come forth; "ſave thee and thy bail; elſe thou forfeiteſt "thy recognizance."

In obedience to this ſecond proclamation, the Priſoner having entered the Court, and knelt at the bar, the Serjeant made his third proclamation, in theſe words:—

"Whereas Charges of High Crimes and "Miſdemeanors have been exhibited by the "Houſe of Commons, in the name of them-

" ſelves and of all the Commons of Great " Britain, againſt WARREN HASTINGS, Eſq. " late Governor General of Bengal; all per- " ſons concerned are to take notice that he " now ſtands upon his trial, and they may " come forth, in order to make good the ſaid " Charges."

The Priſoner was informed that he might riſe; and then the Lord Chancellor, addreſſing him from the Woolſack, told him, that their Lordſhips would immediately proceed to read the Charges exhibited againſt him, together with the Anſwers which he had given to them in writing at the bar of the Houſe of Lords. His Lordſhip obſerved, that the Crimes imputed to him were of a very ſerious nature, and great magnitude; and that conſequently he ought to be very collected and extremely clear in the courſe of a trial which muſt neceſſarily lead to enquiries into tranſactions of great importance, that had taken place in countries very remote, and at periods long ſince paſt. He deſired he would not be ſo much caſt down or intimidated by the reflection, that the great and powerful body of the Commons of Great Britain were his accuſers, as encouraged and fortified by the ſtrongeſt

conviction, that the judges before whom he appeared were deeply impreſſed with a ſenſe of the obligation by which they were bound to God and man, to give judgment impartially, without any regard to the rank of the accuſers, or any reſpect for perſons. He encouraged him to proceed boldly in his defence, by aſſuring him, that as a fair, impartial, and patient hearing was what every Britiſh ſubject under accuſation had a right to expect, ſo it was acknowledged by their Lordſhips to be their indiſpenſable duty to grant it.

Mr. *Haſtings* returned his moſt ſincere thanks for the favours he had already experienced from their Lordſhips, and for thoſe comfortable aſſurances he had juſt received from them. He ſaid he ſtood at their bar ſupported by the goodneſs of his cauſe, and with the moſt compleſete reliance on the *juſtice* of the auguſt tribunal before which he was arraigned.

The Clerks of the Houſe then proceeded to read a Charge and an Anſwer, alternately, till they had got through ſeven. It was then half an hour after after five o'clock, and almoſt dark.

The *Marquis of Stafford* then moved that their Lordſhips ſhould adjourn to the Chamber of

Parliament

Parliament (their own houſe). They accordingly did adjourn to it; and there they reſolved that they ſhould meet again the next day, and proceed in the trial.

Their Lordſhips left Weſtminſter Hall in the ſame order in which they had entered it.

When the queſtion of adjournment was carried, there were preſent in Court,

Barons -	31
Viſcounts -	3
Earls -	32
Marquiſſes -	4
Dukes -	10
Total -	80

The number had been much greater in the courſe of the day; but many Lords had retired before the Court adjourned. There were preſent alſo eighteen Spiritual Lords.

FEBRUARY 14.

SECOND DAY.

Their Lordſhips met again this day, and proceeded to Weſtminſter Hall. The proceſſion from their own Houſe to the Court was, in point of ceremonial, the ſame as on the preceding day.

The

The uſual proclamations were made, and the Priſoner having appeared, the Clerks proceeded to read the remaining Charges and Anſwers, and at twenty minutes after four o'clock, they got through the 20th and laſt; and thus concluded the preliminary buſineſs. Their Lordſhips immediately adjourned to the next day, and retired in the uſual order.

A chair had been placed at the bar for the uſe of the Priſoner; and with the leave of the Court he occaſionally reſted himſelf in it.

FEBRUARY 15.

THIRD DAY.

The Court being ſeated,

The *Lord Chancellor* called upon the Committee of Managers of the Houſe of Commons, to make good the Charges they had exhibited againſt the Priſoner.

Mr. *Burke*, as principal Manager for the Commons, roſe to open the buſineſs of the Proſecution. He modeſtly repreſented himſelf as unequal to the great taſk for which his friends, in their partiality to his ſlender abilities, thought him qualified, when they placed him in the ſituation in which he then had the honour

nour to ſtand before their Lordſhips. He truſted, however, that the cauſe of national juſtice in which he was embarked, would not ſuffer through his inability, as he ſhould have the aſſiſtance of the moſt ſhining talents from his colleagues, who ſhared with him the fatigue of a moſt laborious inveſtigation, and would, he hoped, ſhare with him in the triumph of juſtice over a man who had fondly thought himſelf beyond the reach and power of law.

He obſerved, that in the courſe of the trial, much difficulty might ariſe upon the nature and admiſſibility of evidence, which it was his duty to obviate, by ſome preliminary obſervations. To this end he entered into a philoſophical *analyſis* of the nature and eſſence of evidence, of the principles on which it was founded, and the grounds on which it might, or ought to be admitted, or rejected. He then diſcriminated between ſuch rules of evidence as were applicable to inferior and ordinary Courts of Law, and thoſe that were of a nature more congenial to the dignity of that ſupreme and extraordinary tribunal which he had then the honour of addreſſing, and better adapted to the purpoſes of ſubſtantial and general juſtice.

Having

Having ſtated his preliminary remarks upon the nature of evidence, he proceeded to give a general abſtract of the hiſtory of *Indoſtan*, without which, he obſerved, their Lordſhips would find no ſmall difficulty in their endeavours clearly to underſtand the very complicated ſubject of the tranſactions that had taken place in that extenſive and diſtant empire. He traced the hiſtory of that great country from the moſt remote periods that tradition has reached; through all the various revolutions that took place in ſo immenſe a ſpace of time, down to the year 1756; and left his auditors at a loſs which to admire moſt,—the clearneſs, or the conciſeneſs with which he handled ſo vaſt a ſubject.

After having given a general view of the hiſtory of the empire of the Hindoos, he next deſcribed the peculiar manners, cuſtoms, laws, prejudices, religion, and government of the people; and from all that he ſtated under theſe different heads, he laboured to deduce this conſequence—that in what ever viciſſitude of fate they had been involved, they had ſtill, under every depreſſion, and in every circumſtance of external miſery, preſerved a certain plan of political government, and an im-

mutable ſyſtem of religious worſhip. The mighty invaders, who had overturned the monarchy of the country, had reſpected the prejudices of a people, whom they found ready to ſacrifice both life and property, ſooner than they would depart from the inſtitutes of their anceſtors. The Tartars were too wiſe to treat with contempt thoſe religious and political prejudices which they were not able to remove. They therefore left their new ſubjects in the full poſſeſſion of them, and contented themſelves with the willing obedience and undiſſembled loyalty of their new ſubjects.—Such was not the conduct of Mr. Haſtings:—ſoaring beyond Timur, or Genghis Kan, he was not ſatisfied with over-running the country with his victorious crimes, and bringing new provinces under the Britiſh dominion; he waged war againſt even the *opinions* of the people; and he thought his conqueſts would be incomplete, if he did not tyranniſe over their *minds*, as well as their bodies. He paid no regard to the moſt deeply rooted prejudices; he had no reſpect for the tenderneſs of conſcience of the poor Gentoos; he trampled under foot their religion, and ſported with what was dearer to them than life.

The

The unſhaken attachment of the Gentoos to their religion, and their ready ſubmiſſion to the will of their conquerors, had induced Mr. Haſtings to urge in his defence, that the people of Indoſtan could not be governed by thoſe principles for which free nations in Europe have ſo long contended, and for the maintenance of which they have always been ready to expoſe their lives. He had urged, that from the experience he had acquired in India, he was convinced that arbitary power was abſolutely neceſſary to give efficacy, ſtability, and vigour to the government of our Eaſtern poſſeſſions, and to render them in any degree uſeful to Great Britain.

Mr. *Burke* combated this idea with the ſtrongeſt powers of argument and ridicule. He ſaid that ſuch doctrine was repugnant to common ſenſe. The author of it had not found it in the Koran; for there it was expreſſly diſclaimed:—he had not diſcovered it in the inſtitutes of *Timur*; for not a trace of it was to be found there:—he had not drawn it from the *Gentoo Code*; for there it was reprobated as ſtrongly as it was by the ſtatute and common law of England. In a word, ſaid he, whatever may be the practice of Aſiatic deſpots,

tyrannical government is contrary to the very eſſence of ſociety, whether in Aſia, or in Europe; and in the former, as well as in the latter, *authority* is really founded in plain and equitable laws. Talk to me any where of POWER, and I will ſhew it eſſentially connected with PROTECTION. Mention to me a MAGISTRATE and JUDGE, and by a natural aſſociation of ideas, I muſt think of SECURITY and PROPERTY. Shew me a GOVERNMENT, and I will demonſtate that the very object of its foundation is the GOOD of the GOVERNED. POWER conſtituted otherwiſe is a MONSTER; and morally impoſſible it is that it ſhould exiſt under any ſyſtem in which can be found any notion of the EXISTENCE of a GOD, of his JUSTICE, and the GOOD of MANKIND. To act, or think otherwiſe, is blaſphemy againſt religion. To attempt to give energy to ſuch an opinion, would be to erect the ſtandard of anarchy and confuſion, upon the ruins of order and good government; for every good and perfect gift is of God; and what good gift of God to man can be more perfect than the innate idea of juſtice and mercy? The law written in our heart —the *primum vivens*—the *ultimum moriens* of every being that has the boaſt of reaſon.

But

But even if it had been otherwiſe, if Mr. Haſtings had found himſelf warranted by the examples of others, to ſet up his own will in oppoſition to the rational dictates of a wiſe government, ſtill it would have became him to have turned aſide from ſuch diſgraceful examples; he ſhould have endeavoured to introduce the captivating mildneſs of the Britiſh Conſtitution into his government, which would have made *willing* ſubjects; he ſhould have been ſatisfied with the loyalty of the Gentoos, and left them in the poſſeſſion of their harmleſs prejudices and their property; both of which were held ſacred in their own admirable code of laws. Better had it been for himſelf, more honourable for this country, more fortunate for India, if he had taken the rulers of Great Britain for his models, and not the deſpots of Aſia;—a ſet of ruffians, who were the ſcourge of their ſubjects, and the diſgrace of the human ſpecies!

He obſerved, that the peculators of India were not ſatisfied with plundering the unhappy natives of their property, but they would alſo degrade them below the level of human nature; for they repreſented them as incapable of being gained by acts of mildneſs, or of obeying

ing

ing any Governor, who did not rule them with a rod of iron. For this purpoſe thoſe gentlemen, he ſaid, had ſtruck off a map, as it were, of the MORAL world, and laid down a ſyſtem of *geographical morality*, and made a chart upon this principle, on which they pointed out the proper *climates* for *virtues*; and in what latitudes all thoſe acts which in Europe were deemed *virtues* and *duties*, degenerated on tranſplantation, or were converted into *vices* and *crimes*; as is if conſcience and moral feelings, were the creatures of points and parallels—vigorous in the Temperate Zone, but drooping under the *Line*. But the abſurdity of ſuch a geography he demonſtrated, by ſhewing the univerſality of virtue, the unchangeable nature of truth, the ſame in every part of the globe; immutable and uncontroulable by latitude or climate, by temperature, or the extremity either of heat or cold.

The æra of the firſt landing of the Europeans in Indoſtan was not leſs remarkable, he obſerved, than it might have been glorious for them, and happy for the natives, if the diſcoveries of a more enlightened part of the globe had been communicated to the inoffenſive inhabitants, and the humane doctrine of Chriſtianity had been

been made known to them, and recommended by the virtuous demeanor and equitable government of thoſe who profeſſed to make it the rule of all their actions. But unfortunately thoſe bleſſings were with-held from the natives. Chriſtianity was diſgraced by the cruelty, injuſtice, and tyranny of its profeſſor; and the only diſcovery which the unhappy natives made, was, that their new rulers were more faithleſs, more oppreſſive, more rapacious, and more inhuman, than their former deſpots. Plunder and rapine were made the main pillars of the European government in India; the wretched natives were conſidered as unworthy of protection, and mere truſtees of the wealth that they poſſeſſed, which they were ſuffered to hold only during the will of their tyrants, who, at their pleaſure ſtript them of it without remorſe, and thought themſelves generous and humane if, with their property, they did not alſo take the lives of the wretched natives. The ſpirit of rapine deſcended from the higheſt to the loweſt, and pervaded the whole body of the Europeans in India; ſo that there was not a Captain of a band of ragged Seapoys, who did not look to the depoſition of a Prince, and the plunder of a Province.

After having given a general idea of the government of India to the year 1756, Mr. Burke gave a more minute account of the tranſactions of the Eaſt India Company's ſervants in that country, down to the year 1774, when Mr. Haſtings was appointed Governor General of Bengal. He dwelt at large on the ſeveral revolutions that had taken place in the intermediate ſpace:—he particularized the tranſfer of the ſovereignty of Surajat Dowlah's dominions, by means of the Company's troops, from that Prince to Meer Jaffier; and from him again to Coſſim Ally Cawn. Here Mr. Burke introduced the hiſtory of the *three ſeals*, a ſubject hitherto involved in myſterious darkneſs; tho' under the authority of theſe ſeals, a great Prince loſt his life. Treachery, he obſerved, had been found neceſſary in ſome of theſe tranſactions; and therefore the aſſiſtance of Mr. Haſtings was called for, tho' at that time he was only a Reſident at the Durbar. He dwelt on the oppreſſion of Mohammed Reza Cawn; the famine that had nearly depopulated Bengal; and the events which filled up the ſpace between that period, and the time when Mr. Haſtings was placed at the head of the Supreme Council of Bengal. But though a detail

tail ſo various and complicated, it would be in vain to attempt to follow him.

Hitherto, he ſaid, Mr. Haſtings had been in the back ground of the picture; but at this period he was brought forward, and became the moſt diſtinguiſhed actor in the horrid ſcenes that were to be laid before their Lordſhips. From the moment that he was placed at the head of the Britiſh government in India, he had completely diveſted himſelf of religion and morality, and acted upon the principle, that thoſe natives who were under his controul, whether Princes, Lords, or private individuals, held their power, their fortunes, and their lives, at his will and pleaſure; that his power was ſupreme; and that the more arbitrarily he uſed it, the more conformably he acted to the genius and ſpirit of the nation he had to govern. But Mr. Burke truſted that ſuch a principle would meet at their Lordſhip's bar, the moſt marked reprobation; that they would treat it with the ſeverity which the audacity with which it was urged, ſo juſtly called upon them to exert. Their deciſion upon the important Charges they were going to try, would, he hoped, teach all future Britiſh Governors, that it is their duty to enforce Britiſh

laws; to protect thoſe who obey them; to ſecure to the unoffending the peaceable enjoyment of life, liberty, and property; to ſuffer the avenging ſword of juſtice to fall upon the necks of the GUILTY *only*; to make uſe of the armies for no other purpoſes than thoſe of enforcing due obedience to the laws, and repelling the attacks of any ſtate that might wantonly invade their territories: and, above all, that they reſpect the conſtitution of their own country ſo far, as not to diſgrace, by preſuming to ſet up in any part of the Britiſh dominions an exerciſe of *arbitrary power*, which England and her laws hold in the greateſt abhorrence. He hoped their Lordſhips would, by their deciſion on the ſubject of the preſent impeachment, prevent any future Governor from following the example of the Priſoner at the bar, in urging, by way of defence, the local cuſtoms, or rather tyrannies of Aſiatic deſpots, which Mr. Haſtings was bound not only not to adopt or imitate, but moſt carefully to ſhun as a peſtilence that would blaſt his name, and the honour of his country. *Arbitrary power*, in the acts of a Britiſh Governor, was not to be juſtified by the example of the Princes of Aſia: their Lordſhips would try

Mr.

Mr. Haſtings by the laws with which they were acquainted; not by laws which they did not know. The Priſoner had ſaid, that without an arbitrary power, in our government in India, the ſovereignty of Britain could not be maintained in it. The aſſertion was without foundation; for the Britiſh ſovereignty could be, and had been ſupported and maintained in India by the influence of juſtice and good faith, the immoveable foundation of all good governments; as for arbitrary power, it was impoſſible that a Britiſh Governor could ever fairly acquire it. From whom could he derive it? Or, how could he have the audacity to claim it? He could not derive it from the Eaſt India Company, his immediate conſtituents; for they had none to confer. He could not derive it from his Sovereign! for the Sovereign had it not to beſtow. It could not have been given to him by either Houſe of Parliament; for Parliament diſavowed it, and declared it to be unknown to the Britiſh conſtitution.

Yet Mr. Haſtings, acting under the aſſumption of this authority, had dared to reject and diſregard the moſt poſitive acts of the legiſlature: he gloried in the ſucceſs which he pre-

tended to derive from the violation of them; and had attempted on every occaſion to juſtify the exerciſe of arbitrary power in its greateſt extent.—[To ſupport this aſſertion, Mr. Burke, who was greatly exhauſted, got Mr. Adam to read a letter to that effect from Mr. Haſtings to the Court of Directors.] It was not to be expected, that a man who gloried in the violation of law, ſhould appeal to law for his juſtification; it was not therefore under the *laws* of Indoſtan that he endeavoured to ſhelter himſelf; but under the examples and *practice* of thoſe who, like himſelf, had a ſovereign contempt for all laws that could reſtrain the tyranny of their will. Theſe examples ſhewed only that other peculators had plundered India, and ruled there with deſpotic ſway as well as Warren Haſtings; but if the Priſoner had thought proper to follow other examples more worthy imitation, and more conformable to juſtice, and to the ſprit of our honeſt adminiſtration, he might have found many inſtances of puniſhments inflicted by Sovereigns in Indoſtan, upon thoſe who had dared to plunder the people; and treat them as if they were made only for the gratification of their rulers. Here Mr. Burke read ſeveral caſes of

perſons

perſons puniſhed by native Princes, for a violation of the laws of Indoſtan, by perſons whom they had placed in authority over their ſubjects.

The two great ſprings of the Priſoner's adminiſtration were *deſpotiſm* and *avarice*; and nothing was in his eyes unjuſt, illegal, or infamous, that could extend the influence of the former, or gratify the inſatiable appetite of the latter.

Mr. Burke ſaid he did not intend to enter minutely into the particulars of each of the Articles of Impeachment; that taſk he would leave to the other gentlemen who were his colleagues in the management of the Proſecution; he would touch, therefore, but lightly on the particulars, and would endeavour to give their Lordſhips a general idea of the grounds of the ſeveral Charges, beginning with that corrupt rapacity which was the ſource of the Priſoner's delinquency; and tracing it through all its ramifications, both in the internal government of Bengal, and in the other Provinces, which the Priſoner had ſo ſignificantly called *his external reſources*.

[The above is the ſubſtance of what Mr. Burke delivered in his ſpeech on the Third and Fourth Days of the ſitting of the Court.]

MONDAY,

MONDAY, FEBRUARY 18.

FIFTH DAY.

The Court had adjourned over the Saturday, and met this day, with the uſurl forms and ſolemnity. As ſoon as the Peers were ſeated, Mr. Burke reſumed his ſpeech.—

The accumulation of wealth, he ſaid, was the great object of the Priſoner's government: to attain it, he purſued all means, without caring how unjuſtifiable they were; and whilſt he was in the purſuit of it, an oppoſition to his will was a crime of the higheſt nature; and he deemed the man who ſhould preſume to check him in his iniquitous career, an enemy, whom nothing ſhould protect from his vengeance. Nuncomar, a native of the higheſt rank, had ventured to accuſe him:—this man, thinking that the Engliſh government would protect one who ſtood forward to diſcloſe thoſe acts of extortion, peculation, and corruption that brought diſgrace upon the Engliſh name and character, had the reſolution to become the public accuſer of Mr. Haſtings; but that government which was not ſtrong enough to bring a Governor General to juſtice, was too weak to protect his accuſer. Mr. Haſtings,

without

without conſulting what was due to his character, to his own honour, or that of the nation which he then repreſented, did not attempt to bring the accuſation to an iſſue, or to anſwer the charges that his accuſer had brought againſt him:—he ſilenced Nuncomar, not by the power of truth, and the proof of his innocence; but by *death!* He cauſed him to be proſecuted for felony; and by executing him, he ſo far got rid of the accuſation, that he who had brought, could no longer purſue it. He might now triumphantly ſay, "Who will be bold enough "in future to charge me with bribery and "corruption? The fate of Nuncomar will "deter the moſt daring, when they ſee that "neither rank or fortune can place men be-"yond the reach of my vengeance. Now I "may gratify my avarice by what means I "pleaſe, in full confidence that no one in fu-"ture will preſume to arraign my conduct."

But though Nuncomar had ſuffered death, and the charge of felony, for which he died, might appear ſo far to diſcredit his accuſation, as to render it unneceſſary for Mr. Haſtings to refute it, ſtill that unfortunate man was not the only accuſer of the Governor. The death of Nuncomar might prevent any further charges

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on the part of the natives; but it could not affect or discredit an accusation brought by another person, who was in no degree involved in the crime supposed of the Rajat, and whose credit could not be impaired by the punishment which he underwent. If every thing he had said against Mr. Hastings, both before and after his conviction, had been false and groundless, the Prisoner would not from that circumstance have any reason to think that his character might now be considered as pure and immaculate; for it appeared upon record in the archives of the East India Company, that Mr. Hastings stood charged upon the *oath* of one of the most illustrious Ladies or Princesses in Bengal, with having received from her and her Agents, a bribe of 40,000l. sterling; but tho' the record of the oath, and the charge, might be found in the India-house, no trace could be found of any answer made by Mr. Hastings to an accusation so injurious to his character.

There was also evidence, he observed, of a bribe of 40,000l. more, received for a judgment pronounced by Mr. Hastings, in a cause wherein the half-brother of a deceased Rajat, and an adopted son of the same Rajat, were concerned; they both claimed the inheritance

of

of the deceaſed, which was of immenſe value; for he had died poſſeſſed of a tract of land equal in extent to all the northern countries of England, Yorkſhire included.

Mr. Haſtings gave judgment in favour of the adopted ſon. Mr. Burke ſaid, he did not mean to ſay whether this judgment was legal or not; for the law of the Gentoos, reſpecting *adoption*, and its conſequences, were very intricate; but this he meant to ſay, that for that judgment Mr. Haſtings was to get a bribe of four lacks of rupees, or 40,000l. Three of theſe lacks he actually received; and it appeared from the Company's books, that he had had a miſunderſtanding with his Agent, or "Bribe-"broker," for having with-held from him the fourth lack. This bribe, Mr. Burke obſerved, was either a bribe in *judgment*, or a bribe in *office*; he would not undertake to ſay *which*, much leſs did he mean to determine which of the two was the more criminal; either of them was ſufficiently criminal to call for public juſtice on the man who could receive it.

The ſyſtem of peculation purſued by Mr. Haſtings had met with many checks, from the integrity of General Clavering, Colonel Monſon, and Mr. Francis; but it had extended ſo far, that it

could not be concealed from thoſe who felt for the honour of the Britiſh name, and for humanity. Mr. Haſtings knew this, and having reaſon to apprehend that the enquiry inſtituted by Parliament into delinquencies on the coaſt of Coromandel, would at laſt reach Bengal, he ſuddenly had recourſe to an expedient for ſcreening himſelf from the reſentment of his conſtituents, by making them gainers by his peculation.

This man, *who had never received any bribes*, finding himſelf on the eve of detection, paid into the Company's treaſury a vaſt ſum of money which he had received contrary to law; but then he ſaid he did not receive it for his own uſe, but for that of the Company. However, there was in this inſtance a circumſtance that ſeemed to contradict his aſſertion; it was this; —when he paid the money into the treaſury at Calcutta, he took bonds for it; ſo that in fact, the Company, to whom this money was ſaid to belong, was made debtor to Mr. Haſtings for the full amount of it. On his being queſtioned at home by the Court of Directors, and aſked why he had taken bonds for money not his own? his anſwer was, "That he did not "know; he could not tell at that diſtance of

"time,

" time, *(leſs than three years)*; it might be that " it was to prevent the curious at Calcutta " from being acquainted with the proceedings " of the ſtate; that he ought not to be preſſed " now for an account of motives which he no " longer remembered, and of which he could " not give any account now, as his papers " were in India." It was remarkable that Mr. Haſtings's anſwers on this head varied with his ſituation.—When in India he could give the Directors no ſatisfaction on this buſineſs, becauſe he was not in Europe; but when he was examined upon that point in Europe, he could not ſtate his motives, becauſe he was not in India with his papers. Thus he endeavoured to conceal the treachery of his adminiſtration, under the treachery of his memory.

This ſyſtem of taking bribes for the benefit of the Company, might be held out by Mr. Haſtings to his conſtituents, not only as not illegal and criminal, but as meritorious. It might be called public-ſpirited bribery, and patriotic peculation. Beſides, it would have this effect—It would prevent any one from complaining to the Council, or to the Court of Directors, that the Governor General, or any other of their ſervants, took bribes; for

then the Court might reply—these bribes, and this peculation are for the benefit of the Company. This would silence all accusers among the Europeans, as effectually as the death of Nuncomar had silenced all those among the natives, who might have been able to convict their rulers of corruption and peculation.

Peculation slept for some time, whilst Mr. Hastings had a majority of the Council against him. But General Clavering and Colonel Monson having been removed by death, and Mr. Francis, harrassed and tired of his situation, having resigned, the Council then consisted of no more than two persons, Mr. Hastings and Mr. Wheler; and the former having a casting voice, had in his own person a majority in the Council; or, in other words, the whole Government of India was vested in himself alone—then it was he resolved to open anew the channels of peculation. Six Provincial Councils had been established for the collection and management of the public revenue these Councils had, in the opinion even of Mr. Hastings, so well answered the end of their institution, that though they had been constituted only for a time, and for the purpose of experiment, he thought they ought to be

made

made permanent. Theſe Councils had been eſtabliſhed in November, 1773. In the year 1774, Mr. Haſtings *earneſtly offered his advice* (to the Governor General and Council, then newly eſtabliſhed by Act of Parliament) *for the continuance of the ſyſtem of Provincial Councils in all its parts.* In April, 1775, he tranſmitted to the Directors a formal plan for the future ſettlement of the revenues, and declared at the ſame time, that "with reſpect to the mode of ma-"naging the collection of the revenue, and "the adminiſtration of juſtice, none occurred "to him ſo good as the ſyſtem which was al-"ready eſtabliſhed of *Provincial Councils.*" On the 18th of January, 1776, he diſpatched to the Court of Directors a plan for the better adminiſtration of juſtice; and in that plan he had ſpecially provided for the *permanent* eſtabliſhment of theſe Provincial Councils; and he not only recommended it to the Directors to confirm that eſtabliſhment, but alſo to apply to Parliament, and *procure for it the ſanction of the legiſlature*; nay, he went ſo far as to tranſmit to the Court of Directors, on the 30th of April, the draught of an Act of Parliament for the better adminiſtration of juſtice in the Provinces belonging to the Company, in which

there

there was a ſpecial proviſion for the eſtabliſhment of Provincial Councils, and ſpecial juriſdiction was aſſigned to each of them. One might have imagined, from all that Mr. Haſtings had ſaid and written upon this ſubject, that the eſtabliſhment of theſe Councils, as far at leaſt as depended upon him, would have been made permanent; but on a ſudden he changed his mind, and in a letter to the Court of Directors, dated the 5th of May, 1781, he affirmed, "that the plan of ſuperintending "and collecting the public revenue of the "Provinces, through the agency of Provin-"cial Councils, had been inſtituted for the "temporary and declared purpoſe of intro-"ducing another more permanent mode *by an* "*eaſy and gradual change.*" Here Mr. Haſtings had completely abandoned in one moment an opinion which he had recommended to the Court of Directors for near eight years ſucceſſively; and though he himſelf had drawn up the plan of an Act of Parliament to confirm *in perpetuity* the eſtabliſhment of theſe Provincial Councils, yet he had the face afterwards to tell the Company, that it had at firſt been adopted for the temporary and declared purpoſe of introducing another more perma-

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nent mode *by an eaſy and gradual change*. Here again the Priſoner ſhewed that he never could adhere to one opinion; for inſtead of introducing a change by degrees, he ſuddenly aboliſhed all the Provincial Councils, without having found any fault with them; nay, juſt after he had himſelf pronounced a panegyric upon them; and in their room he eſtabliſhed one ſingle Council, under whoſe management was placed the adminiſtration of the whole revenue of the kingdoms of Bengal, Bahar, and Orixa: this Council was to be ſupreme, in points relating to the revenue, and conſequently independent of the Governor General and his Council.

It would appear ſtrange, that a man who loved power and patronage, ſhould thus place both beyond his own reach. So it would, if he had done ſo in *reality*: but this was not his object; he wanted to make this Council independent of the Supreme Council in future, and dependent ſolely upon himſelf: he did not wiſh to truſt to another thwarting majority in his own Council; and therefore he was determined that there ſhould be no connection between the one and the other. This new Council he compoſed entirely of his own creatures and favourites;

rites; but as it was neceſſary they ſhould have for their Secretary ſome native, acquainted with the laws and cuſtoms of the country, he appointed one who was entirely devoted to him—This was the famous, or rather infamous Bongo Bobat Sing. Of this man there were not two opinions; all the friends, as well as the enemies, of Mr. Haſtings agreeing, that he was the moſt atrocious villain that India ever produced: The members of the new Council ſoon felt that they were cyphers, and mere tools to this deteſtable inſtrument of corruption. This they themſelves expreſſed in a letter that Mr. Burke read, in which they ſaid that he pried into the ſecrets of families, availed himſelf of them, and had it in his power to lay the whole country under contribution. Such was the confidential Agent of Mr. Haſtings. Before that gentleman had appointed him Secretary to the new Council, he knew the public opinion of the man; and yet he wrote to the Court of Directors, that this Bongo Sing was generally ſpoken ill of, but that he knew no harm of him:—he knew, however, that he was a man of great abilities, and therefore he employed him. Mr. Burke ſaid, that it was not in nature that *good* could reaſonably be expected from the abilities of a

bad

bad man; ſuch men were out of their element if their abilities were employed in any thing that was good: they could ſhine only in wickedneſs; and therefore Mr. Haſtings muſt have acted contrary to all knowledge of human nature, if, when he employed ſuch a man, he expected to find him honeſt and juſt. On this ſubject Mr. Burke made theſe judicious remarks: "Let me, ſaid he, my Lords, for a "moment quit the delegated character that I "bear, and ſpeak entirely from my own perſonal feelings and conviction. During the "courſe of my life, I have acquired ſome "knowledge of men and manners—in active "life, and amidſt occupations the moſt various. From that knowledge, and from all "my experience, I now proteſt that I *never* "knew a man that was *bad*, fit for any ſervice "that was good. There is always ſome diſqualifying ingredient mixing with the compound, and ſpoiling it. The man ſeems *paralytic* on that ſide! His MUSCLES there have "loſt their tone and natural properties. They "cannot move. In ſhort, the accompliſhment "of any thing good, is a phyſical impoſſibility "in ſuch a man. He COULD NOT, if he "would, is not more certain, than that he

" WOULD NOT, if he could, do a good or a " virtuous action."

Mr. *Burke* then reſumed his narrative. He ſaid that Mr. Haſtings had lived too long in the world, he had converſed too much with mankind, to be ignorant of this truth; and therefore if the idea of a virtuous diſcharge of of the duties of his office had been in any degree entered into the plan or intention of the Priſoner, he never would have placed ſuch a man in a ſituation, in which the natural diſpoſition of his mind to wickedneſs would have full ſcope for action and gratification. The Council that had been appointed to act as the tools of Bongo Bobat Sing, or rather of Mr. Haſtings, formed no inconſiderable branch of the civil eſtabliſhment of Bengal; for the ſalaries of the Members amounted to 62,000l. a year; a ſum nearly equal to the united ſalaries of the Governor General and the Members of the whole Supreme Council of Bengal. It was not for the ſervice they did the country, that the Members of this new board of revenue received ſo profuſe an allowance; for it was not intended that they ſhould do any thing; their ſalaries were intended rather as douceurs to bribe them to ſilence, than to ſtimulate them to activity in

their

their department:—they were to enjoy repoſe; and all that was expected of them was, that they ſhould not interfere with the plans that Bongo Bobat Sing might occaſionally adopt in the collection of the revenue. Theſe gentlemen did not actually receive ſuch inſtructions when they were appointed Members of the Council; but they ſoon perceived that they were only the dignified tools of the Governor General's confidential Agent. All they could do was to remonſtrate; and in this they acted like men of honour; they fairly ſtated it in a letter, and their letter was upon record, that they were mere cyphers, and that all the powers of the Board were in effect veſted in Bongo Bobat Sing; who from the nature of his ſituation had it in his power to lay the Provinces under contribution; and whoſe inclination to do ſo was equal to his power.

This man poſſeſſed, in an eminent degree, the art of pleaſing thoſe whom it was his intereſt to conciliate. It was his ſtudy to provide ſo quick a ſucceſſion of pleaſures, diverſions, and entertainments for the gentlemen who had ſeats at the new Council Board, that they ſhould not have much leiſure to attend to buſineſs, or enquire minutely into his conduct.

He farmed the tax upon dancing girls, and other females, who make a profeſſion in India of contributing to the pleaſure of the men, without any ſcruples on the ſcore of modeſty. Of theſe, Bongo Bobat Sing uſed to ſingle out the moſt beautiful and engaging; with them he concerted the plans of new entertainments, which were executed with all the refinements and pomp that Aſiatic luxury could deviſe: the choiceſt muſic, the fineſt dancing, the moſt coſtly perfumes, and the moſt delicious French wines were employed to captivate the Members of the Board, and drown in them all recollection of buſineſs. In the midſt of all theſe bewitching entertainments, Bongo Bobat Sing obſerved the greateſt temperance; he watched the favourable moment for the accompliſhments of his purpoſes; and contrived, as if accident, and not by deſign, to have papers of the utmoſt conſequence brought to the gentlemen to be ſigned. Young men who are honeſt themſelves, ſeldom ſuſpect others of diſhoneſt practices, or arts; but ſtill leſs ſo when their ſpirits are raiſed by wine, and the preſence and blandiſhments of women: at ſuch a moment they unſuſpectingly ſigned whatever paper was offered for that purpoſe; and thus

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the great ends of theſe expenſive entertainments were fully accompliſhed, and Mr. Haſtings was maſter of the wealth of our richeſt provinces, through the agency of his truſty Bongo Bobat Sing.

Next in infamy to this man, and ſecond only to him in villainy, was Devi Sing; one of the moſt ſhocking monſters that ever ſtained the page of hiſtory.—This villain, driven on account of his infamous adminiſtration from one important ſtation which he held, was able to obtain, through his partner in iniquity, Bongo Bobat Sing, a moſt lucrative ſituation under the Company; he was admitted, at a time when he was a bankrupt, and owed 210,000l. to farm the revenue of a very large diſtrict. One part of his inſtructions was, that he ſhould not raiſe the rents, or impoſe new taxes upon the inhabitants; but ſuch inſtructions did not weigh much with a man, who knew that if he broke through them, he was ſure of impunity, through the powerful influence of Bongo Bobat Sing.

He therefore reſolved, by plunder and rapine of every ſort, to make the moſt of his bargain. He immediately raiſed the rents, contrary to his inſtructions—he threw the people of quality,

lity, as well as others, into priſon, and there made them give him bonds to what amount he pleaſed, as the purchaſe of their liberty.—These bonds he afterwards put in force—firſt, he put their demeſne lands up to auction, and they were knocked down at *one* year's purchaſe, though the uſual price of land in that country was *ten*.

The real purchaſer was himſelf.—Next he ſold the lands they held by leaſe; next the lands given by the then owners, or their anceſtors, for the pious and humane purpoſes of providing for the ſick and infirm; laſtly, he ſold even the very ground deſtined for the burial of the owners; and this was to them, from the nature of their education and religion, the moſt heart-rendering of all their loſſes.—This however, was not all—He made uſe of a ſpecies of *pillory*, which, in India, is more dreadful than death, becauſe it drives people from their *caſt*; thoſe who have been diſgraced by this pillory, no matter whether with or without juſt cauſe, are, as it were, excommunicated; they are diſowned by their own tribe, nay, by their neareſt relations; and are driven into the ſociety of the outcaſts of all ſociety. This pillory is a *bullock*, with a drum on each

ſide,

ſide; and the perſon who is once ſeated on it, is ever after diſgraced and degraded, he, and all his poſterity. Devi Sing had this tremendous bullock walking through the villages; at his approach the inhabitants all fled; and ſo general was the deſertion of their habitations, that an Engliſhman travelled fifteen miles without ſeeing a fire, or a light, in any houſe.

The poor ryots, or huſbandmen, were treated in a manner that never would gain belief, if it was not atteſted by the records of the Company; and Mr. Burke thought it neceſſary to apologize to their Lordſhips for the horrid relation with which he ſhould be obliged to harrow up their feelings:—the worthy Commiſſioner Patterſon, who had authenticated the particulars of this relation, had wiſhed, that for the credit of human nature, he might have drawn a veil over them; but as he had been ſent to enquire into them he muſt, in diſcharge of his duty, ſtate thoſe particulars, however ſhocking they were to his feelings. The cattle and corn of the huſbandmen were ſold for leſs than a quarter of their value, and their huts reduced to aſhes! the unfortunante owners were obliged to borrow from uſurers, that they might

might diſcharge their bonds, which had unjuſtly and illegally been extorted from them while they were in confinement; and ſuch was the determination of the infernal fiend, Devi Sing, to have thoſe bonds diſcharged, that the wretched huſbandmen were obliged to borrow money, not at 20, or 30, or 40, or 50, but at SIX HUNDRED per cent. to ſatisfy him! Thoſe who could not raiſe the money were moſt cruelly tortured: cords were drawn tight round their fingers, till the fleſh of the four on each hand was actually incorporated, and become one ſolid maſs; the fingers were then ſeparated again by wedges of iron and wood, driven in between them.—Others were tied two and two by the feet, and thrown acroſs a wooden bar, upon which they were hung, with their feet uppermoſt: they were then beat on the ſoles of the feet, till their toe nails dropped off.

They were afterwards beat about the head till the blood guſhed out at their mouth, noſe, and ears: they were alſo flogged upon the naked body with bamboo canes, and prickly buſhes; and above all, with ſome poiſonous weeds, which were of a moſt cauſtic nature, and burnt at every touch.—The cruelty of the

monſter

monſter who had ordered all this, had contrived how to tear the mind, as well as the body: he frequently had a father and ſon tied naked to one another by the feet and arms; and then flogged till the ſkin was torn from the fleſh; and he had the deviliſh ſatisfaction to know that every blow muſt hurt the body or the mind; for if one eſcaped the ſon, his ſenſibility was wounded by the knowledge he had that the blow had fallen upon his father; the ſame torture was felt by the father, when he knew that every blow that miſſed him, had fallen upon his ſon.

The treatment of the females could not be deſcribed: dragged forth from the inmoſt receſſes of their houſes, which the religion of the country had made ſo many ſanctuaries, they were expoſed naked to public view: the virgins were carried to the Court of Juſtice, where they might naturally have looked for protection; but now they looked for it in vain; for in the face of the Miniſters of Juſtice, in the face of the ſpectators, in the face of the ſun, thoſe tender and modeſt virgins were brutally violated. The only difference between their treatment, and that of their mothers, was, that the former were diſhonoured in the face of day,

the latter in the gloomy receſſes of their dungeons. Other females had the nipples of their breaſts put in a clift bamboo, and torn off: What modeſty in all nations moſt carefully conceals, this monſter revealed to view, and conſumed by ſlow fires; nay, ſome of the monſtrous tools of this monſter, Devi Sing, had, (horrid to tell!) carried their unnatural brutality ſo far as to drink in the ſource of generation and life.

Here Mr. Burke dropt his head upon his hands, unable to proceed, ſo greatly was he oppreſſed by the horror which he felt at this relation. The effect of it was viſible through the whole auditory: a lady, who was in the Great Chamberlain's box, fainted away.——

Mr. Burke having recovered himſelf, ſaid, that the fathers and huſbands of theſe hapleſs females were the moſt harmleſs and induſtrious ſet of men; content with ſcarcely ſufficient for the ſupport of nature, they gave almoſt the whole produce of their labour to the Eaſt India Company: thoſe hands which had been broken by perſons under the Company's authority, procured to all England the comforts of their morning and evening tea; for it was with the rent produced by their induſtry, and paid into

into the Company's treaſury, that the inveſtments were made for the trade to China, where the tea which we uſe is bought, without any expence to England.

He then called upon their Lordſhips to prevent the effects of the Divine indignation upon the Britiſh empire, by bringing to juſtice the man who could employ ſo infernal an Agent. Thoſe wretched huſbandmen would, with thoſe ſhattered hands lifted up to Heaven, call down its vengeance upon their undoers: he conjured their Lordſhips to avert that vengeance, by puniſhing thoſe who had ſo groſsly abuſed the power given to them by this country.

Mr. Burke was here taken ill; but he ſoon recovered, and was proceeding, when he was ſeized with a cramp in his ſtomach, which obliged him to ſit down; he was ſoon relieved from his pain, but was too much exhauſted to be able to proceed.

Lord Derby immediately ran down to him to enquire how he did, and was inſtantly followed by the Prince of Wales, on the ſame errand; his Royal Highneſs finding Mr. Burke ſo exhauſted, immediately moved to adjourn. —Mr. Burke had been ſpeaking above three hours and a quarter.

The Peers retired in the uſual order: there were more preſent on this, than on any of the preceding days;—at the time of the adjournment there were preſent—

Barons, (including the Chancellor)	52
Biſhops, - - -	16
Viſcounts, - -	3
Earls, - - -	41
Marquiſſes, - -	3
Noble Dukes, - -	10
Archbiſhops, - -	2
Royal Dukes, - -	4
Total of Lay Lords,	113
Total of Lords Spiritual,	18
Total of both, -	131

TUESDAY, FEBRUARY 19.

SIXTH DAY.

When the Lords had taken their ſeats, Mr. *Burke*, who was recovered from the fatigue of the preceding days, and was relieved from the pain in his ſtomach, which forced him to break off in his ſpeech yeſterday ſooner than he intended, reſumed the ſubject of the horrid

rid treatment of the helpleſs Indians by Devi Sing. Gentle and inoffenſive as they were by nature, the wretched natives were at length rouſed to reſiſtance; for patience, like all other virtues, has its boundaries, beyond which it cannot poſſibly be ſtretched; their common ſufferings made large bodies of them combine, to revenge upon their tyrants the cruelties they had been made to ſuffer; the firſt effects of their fury were felt, as is uſually the caſe, by the loweſt inſtruments, and conſequently the leaſt criminal, employed in oppreſſing; they ſoon ſacrificed to their rage ſome inferior collectors of the revenue: this was inſtantly pronounced to be a proof of an unprovoked, a wanton, and unnatural rebellion: the army was ordered to march againſt an unarmed multitude, who had nothing but their *deſpair* to oppoſe to the approach of the troops: they were of courſe ſoon broken by a regular army; numbers were relieved by violent death from the miſeries attendant upon the moſt abſolute poverty, and the memory both of happier days, and of friends and relations, torn from them by the moſt unheard-of cruelties that oppreſſion could deviſe. The whole country, after the ſuppreſſion

preſſion of this inſurrection, wore the moſt ſhocking appearance; the face of it was blaſted; the villages reduced to aſhes, the former inhabitants either deſtroyed by the ſword, or totally diſperſed; the fields were over-run with brambles and thiſtles; and the wild beaſts of the foreſt were left to enjoy the uncontrouled dominion of thoſe plains once ſo highly cultivated, and thick ſet with populous villages. Such a revolution could not but rouſe the attention of the Council: it was reſolved, therefore, that a Commiſſioner ſhould be ſent into the country to enquire into the cauſes of the late rebellion, with inſtructions to make a report to the Board, of the reſult of his enquiries. It was thought, that on ſuch an occaſion, no man ought to be employed who was not diſtinguiſhed for an uncommon degree of moderation. Such a man they found in Mr. Patterſon. This gentleman was totally unconnected with any party in the Government; a lover of peace, and of the moſt conciliating diſpoſition. It was expected that he would have ſhared the blame of the rebellion between the oppreſſors and the oppreſſed; that he would pronounce both to be in ſome degree to blame; that he would ſoften matters;

ters; and that his report would recommend that the whole affair ſhould be buried in oblivion. This gentleman had prepared himſelf for the arduous undertaking of a fair and impartial enquiry into the cauſes of the diſturbances that were to be the ſubject of it. He knew, that if he ſhould find the natives were innocent of any premeditated deſign againſt Government, and that they were driven to reſiſtance by provocations too great for human nature to bear, he ſhould draw upon himſelf the enmity and reſentment of a powerful party, if he ſhould make a faithful report of what he ſhould have ſeen.

On the other hand, he felt that his conſcience would be torn, if he ſhould conceal from thoſe who had the power of puniſhing the guilty, the oppreſſions which he might diſcover, had driven the wretched natives to madneſs and deſpair, and turned their country into a wilderneſs. He was reſolved, however, to do his duty, though at the hazard of his fortune, and of all his future expectations. —Before he ſet out upon his journey, he fortified himſelf, by reading a letter from his father, which he conſtantly kept by him, and which he never failed to read whenever he found himſelf

himſelf in any ſituation he might be expoſed to the temptation of ſacrificing his conſcience to his intereſt. In that letter his worthy and venerable father intreated him to make it his conſtant ſtudy to do his duty to God and to the Company, in whatever ſituation it might be his fortune to be employed. He reminded him, that a quiet conſcience, and a ſpotleſs name, were more precious than all the wealth of Aſia: he warned him, therefore, never to do any act that could excite remorſe, or bring a blemiſh upon his reputation. He conjured him to look upon his intereſt as but a ſecondary conſideration; and aſſured him, that he would have infinitely more comfort in ſee-him return to Europe a *bankrupt* in *fortune*, but *rich* in *reputation*, than if he brought with him the wealth of India, acquired by means that an honeſt man would bluſh to acknowledge.

Fortified and confirmed by this letter in his juſt and honourable reſolution, he ſet out for the place of his deſtination; and began his enquiry. The diſcoveries he made were ſuch, that he ſaid, in his report, he wiſhed, for the credit of human nature, he might have been at liberty to draw a veil over them; but as his duty had made him enter upon the enquiry, ſo duty, truth,

and

and juſtice compelled him fairly to ſtate what he had diſcovered, though his heart ſhrunk with horror at the idea of the unparalleled cruelties which he was about to lay open.

The reports filled two large volumes, which were now in the India-houſe; it fully acquitted the natives of the guilt of rebellion, and threw all the blame of it upon thoſe who by the moſt unheard-of cruelties had made the wretched inhabitants deſperate.

This report diſappointed the Council: a very different one had been expected from Mr. Patterſon. The Members of the Council were greatly embarraſſed;—the report ought naturally to have led to the puniſhment of the authors of the rebellion, and the cruelties that had occaſioned it. But they ſtood not in fear of puniſhment; they were beyond the reach of it: they were protected by thoſe whoſe duty it was to bring them to juſtice; and who, by neglecting that duty, had abetted the barbarities that diſgraced the Britiſh government. No attempt indeed had been made to juſtify acts which in their nature were ſo brutal and ſavage; but the effects of the report were evaded; exceptions the moſt captious were taken to it; and it was ſaid in Council, that ſeveral parts of

it ought to be expunged, becauſe it did not appear that the informations contained in thoſe parts had been taken upon oath. Upon the whole, the enquiry produced no good effect; Juſtice found her victims with-held from her; and none were made to feel the hand of power, but the harmleſs, inoffenſive, and unprotected natives.

Mr. *Burke* then touched lightly upon ſome other points of the Charges; and then haſtened to a concluſion, by proceeding to review the *whole* of what had fallen from him, and collecting as it were into one focus, thoſe parts that tended moſt to criminate the Priſoner, to make the deeper impreſſion upon his hearers. His concluding addreſs to the Peers was remarkably energetic:—

"I CHARGE, ſaid he, WARREN HASTINGS "with having, by himſelf and his creatures, "ſtudied the deſtruction of Government, "both *theoretically* and *practically*;—with having reduced Depravity to a ſyſtem and a law, "and Peculation into rules of arithmetic.

"I CHARGE, cried he, WARREN HASTINGS, "in the name of the COMMONS of ENGLAND, "with *High Crimes* and *Miſdemeanors!*—I "CHARGE him with *Fraud*, *Abuſe*, *Treachery*,

"and

" and *Robbery!*—I CHARGE him with *Cruelties*
" unheard of, and *Devaſtations* almoſt without
" a name!—I CHARGE him with having
" ſcarcely left in India—what will prove *Sa-*
" *tisfaction* for his Guilt!"

" And now, added he, I addreſs myſelf to
" this Aſſembly, with the moſt perfect reli-
" ance on the Juſtice of this HIGH COURT.
" Amongſt you, I ſee a *Venerable* and RELI-
" GIOUS BAND, whoſe province and whoſe
" duty it is—to venerate that Government
" which is eſtabliſhed in Piety and Mercy. *To*
" *Them*, what muſt have been the principles
" of Mr. HASTINGS?

" Amongſt you, I ſee the JUDGES of ENG-
" LAND, the Expounders of Law founded on
" equal Juſtice. To them, what muſt have
" been the Uſurpations, the Tyranny, the Ex-
" tortions of WARREN HASTINGS?

" Amongſt you, I deſcry an illuſtrious and
" virtuous Train of NOBLES, whoſe Forefa-
" thers have fought and died for the Conſti-
" tution! Men who do even leſs honour to
" their Children, than thoſe Children do to
" them—who are here aſſembled to guard that
" Conſtitution which they have received.

" From them, what muſt the *Violator* of all " Forms and Conſtitutions deſerve!

" With one voice, they will encourage " *this Impeachment*, which I here ſolemnly " maintain.

" *I impeach* therefore, WARREN HAST- " INGS, in the Name of our HOLY RELIGI- " ON, which he has diſgraced.—*I impeach* him, " in the Name of the ENGLISH CONSTITU- " TION, which he has violated and broken. " —*I impeach* him, in the Name of MIL- " LIONS of INDIANS whom he has ſacrificed " to Injuſtice.—*I impeach* him, in the Name, " and by the beſt rights of HUMAN NA- " TURE, which he has ſtabbed to the heart. " And I conjure this High and Sacred Court, " to let not theſe pleadings be heard in " vain!"

Mr. Burke having concluded his ſpeech, Mr. *Fox* roſe to ſubmit to their Lordſhips the wiſhes of the Committee of Managers, relative to the mode of proceeding in the trial. To them it appeared moſt eligible, that each Charge ſhould be tried ſeparately; that the Managers ſhould open the Charge and produce their proofs in ſupport of it; that the Priſoner

ſhould

ſhould enter upon his Defence againſt, and give in evidence whatever might, in his opinion, prove the Charge to be ill founded; and that the Managers ſhould then have a Reply: That they ſhould proceed thus from Charge to Charge, till they ſhould have got through them all. Mr. Fox ſaid, that this mode appeared to him to be the more eligible, as their Lordſhips would otherwiſe find it a taſk of great labour, if the Commons ſhould go through all the Charges before the Priſoner was called upon to make his Defence, to ſeparate from the immenſe body or maſs of of evidence that they muſt have before them, ſuch parts as apply to each Charge ſeparately.

The *Lord Chancellor* called upon the Counſel for Mr. Haſtings to ſtate their objections, if they had any, to the mode of proceeding propoſed by the Hon. Manager. Mr. *Law*, Mr. *Plomer*, and Mr. *Dallas* objected to the propoſal of the Right Honourable Gentleman. They inſiſted, that until a proſecutor had made out his caſe, a priſoner was not, according to the practice of all Courts of Criminal Juriſdiction, to be called upon for his defence. from this practice they were reſolved not to depart, unleſs they ſhould receive their Lord-

ſhips

ſhips orders ſo to do; and therefore they inſiſted that the Honourable Managers, who, notwithſtanding the rank they held as Members of the Legiſlative Body, were to be conſidered only in the light of Proſecutors, ſhould conform to the rules to which all Proſecutors are ſubject, and make out the whole of their Caſe, before the Priſoner ſhould enter upon his Defence. One of the Counſel in particular obſerved, that the Managers had all along purſued Mr. Haſtings with a *vindictive ſpirit*; and *perſecuted*, rather than *proſecuted him*.

Mr. *Fox* called the Counſel to order: he ſaid, that ſuch language was highly diſreſpectful to the Commons of England, who had ſent the Managers to their Lordſhips' Court to carry on a proſecution in which they were no otherwiſe *perſonally* concerned, than as they were Men and Britons, who felt for oppreſſed fellow creatures, and wiſhed to reſcue the Britiſh name from the diſgrace that muſt attend it, if crimes, ſuch as the Priſoner's, were ſuffered to go unpuniſhed. He therefore called upon the Court to interpoſe its authority, and ſhield from inſulting language, a Committee

mittee that appeared before their Lordſhips in the diſcharge of their duty.

The *Lord Chancellor* ſaid, the Honourable Manager and his colleagues were entitled to all the protection the Court could give, and all the reſpect that the Counſel could ſhew; he therefore informed the latter, that they muſt not ſuffer their zeal for their client to hurry them beyond the bounds of reſpect due to a Committee of the Houſe of Commons.

The Counſel proceeded to ſupport their objection. They quoted precedents of caſes determined in the reign of James I. they inſiſted that the mode propoſed would produce diſtraction, by breaking the Impeachment into as many cauſes as there were Charges in it; and that the moſt plain and ſimple manner of conducting the trial would be to carry on the proſecution to the end, without any interruption; and then the Defence; ſo that their Lordſhips ſhould have but one object before them, barely to ſay, *guilty*, or *not guilty*, upon the whole of one united and entire caſe.

Mr. *Fox* combated the objections of the Counſel with very ſolid arguments; ſome of them he turned into complete ridicule, by the happieſt ſtrokes of wit. He commended the judg-

ment

ment of the learned Counſel for having drawn their precedents from the reign of James I. who was almoſt as great a lawyer as themſelves. Theirs, he ſaid, was an excellent way to prevent *diſtraction* of ideas, by huddling a vaſt number of things together; as if diſtraction could be produced by uniformity, and prevented by confuſion and a multiplicity of objects. The Counſel were afraid, that when their Lordſhips ſhould have only one plain and ſimple propoſition to conſider at a time, they might be confuſed and diſtracted; but that when they ſhould find twenty diſtinct charges ſubmitted to them *ſeriatim*, with a vaſt body of evidence in ſupport of each; that when the confuſion was encreaſed by the addition of a long defence, and another vaſt body of evidence, that their Lordſhips would find it the eaſieſt of taſks to find out which of the two ſhort and ſimple verdicts they ſhould give, "*guilty*, or *not guilty*."

Their Lordſhips adjourned to the Chamber of Parliament, to conſider of the propoſition of the Committee, and the objections made to it by the Counſel.

Their Lordſhips being in their own Houſe, adjourned the *Court of Peers* to *Friday*, and the

the further conſideration of the Managers' propoſition, and the objections of Counſel, to *Thurſday*.

When the Lords met in their own Houſe on Thurſday, their doors were ſhut againſt all perſons who were not Members of Parliament, or privileged by birth or office to attend Parliament.—It is impoſſible therefore for us to lay before the public the particulars of the Debate which took place on the mode of carrying on the trial.

The ſubſtance of it was this :—

The *Lord Chancellor* read the propoſition made by Mr. Fox, as manager for the Committee, to have the Articles of Impeachment determined one by one. His Lordſhip left the woolſack, and ſpoke for an hour and a half with great force againſt the mode propoſed by the Committee.

Earl *Stanhope*, in a ſpeech of conſiderable length, declared, that he was averſe to carrying on the trial article by article ; and likewiſe he thought it would be highly improper to determine all the Charges together. He therefore wiſhed a medium might be ſtruck out, which was to claſs the crimes, viz. all the acts of cruelty under one head :—

In like manner the charges of corruption, &c. &c.—His Lordſhip concluded, with moving a queſtion to that purport. This brought on a very warm and animated debate.

Lord *Coventry* wiſhed to give the Priſoner every advantage the law afforded him.

The Earl of *Abingdon* ſaid, if a divinity was to be tried in the manner propoſed by the Managers, he muſt be convicted.

Lord *Loughborough* contended, with great force and eloquence, in favour of trying the Charges ſeparate; or at leaſt reducing them into ſuch claſſes as might render the vaſt complicated matter eaſy to be comprehended.

Lord *Stormont* aſſerted that the Defendant was entitled by the immutable and eternal laws of juſtice, to make his Defence in any mode he pleaſed. — Lord *Grantley* attacked the poſitions laid down by Lord Loughborough, when the latter anſwered the Lord Chancellor; and Lord Loughborough ſpoke again, chiefly upon points of law. The Earl of *Carliſle* was of opinion, that the Defendant ſhould not be tied down to open his Defence, before he had heard all the evidence in ſupport of the Charges. The Duke of *Norfolk*, in an excellent ſpeech, contended, that

as

as the Commons could at their pleaſure, in any ſtage of the trial, bring up freſh articles of impeachment ariſing out of the evidence, it was more manly to give in to their propoſition in the firſt inſtance.

At half after eleven the Houſe divided.

Contents for Earl Stanhope's motion		33
Non-Contents	——	88
	Majority	55

The Houſe reſumed, and it was moved, that the Commons be directed to open their Charges, and proceed to call their evidence. Ordered.

The Houſe adjourned till next day.

FRIDAY, FEBRUARY 22.

SEVENTH DAY.

The Court being met, and the Priſoner and Proſecutors attending, the *Lord Chancellor* informed the Committee of Managers, that he was directed to communicate to them the reſolution formed by their Lordſhips in conſequence of the propoſition made on Tueſday to the Court, relative to the mode of conducting the trial.—The reſolution was, that the Commons

ſhould go through the whole of their evidence in ſupport of all the Charges, and that then, and not before, the Priſoner ſhould be called upon to enter upon his Defence.

The Committee, on receiving this information, requeſted they might be at liberty to withdraw, for the purpoſe of deliberating a little on the reſolution which the learned and noble Lord had juſt communicated; and that their Lordſhips would be pleaſed to wait ſome few minutes for their return :—

The Lords acquieſced; and the Committee withdrew.—On their return,

Mr. *Fox* addreſſed the Peers, and obſerved, that the Commons had never yet given up the *right* of conducting and managing impeachments in the manner which to them appeared moſt proper to lead to the end for which impeachments were carried on—the attainment of public juſtice.—However, though the *right* was not given up, the exerciſe of it might be waved, without any impeachment of the right itſelf; and therefore the Committee would conform to the regulation adopted by their Lordſhips, and purſue the mode of proceeding they had been pleaſed to point out. They were too confident in the juſtice of the cauſe in which they

they were engaged, they knew too well its dependance, not on *form*, but *ſubſtance*, to be deterred by any change in the order of proceeding, or to ſhrink from any difficulty. At the ſame time he thought it his duty to proteſt againſt any inference that might be drawn from it to the prejudice of the privileges of the Commons, who, he contented, might bring more charges, if they pleaſed, without minding in what ſtage of the buſineſs their Lordſhips might be engaged—whether in hearing the evidence in ſupport of the impeachment, or in receiving evidence in favour of the Priſoner.—Having premiſed theſe obſervations, he ſaid he would proceed to open the Charge againſt Mr. Haſtings, for his conduct againſt CHEIT SING, the Rajah of Benares.

He ſat out with ſaying, that this was a day in which he felt no inconſiderable degree of pride, for having had the diſtinguiſhed honor of being appointed by the Commons of Great Britain, a Member of the Committee for managing an impeachment that had been undertaken for the purpoſe of reſcuing the Britiſh name from the diſgrace that had been brought upon it, by the acts of tyranny, cruelty, and injuſtice, committed by the Priſoner at the bar, during

during his adminiſtration in India. He felt no inconſiderable degree of pride in being commiſſioned to open the firſt charge, upon which the Honourable Gentleman, who had, with ſo much ability, explained in general the nature of all the heads of accuſation, had touched but lightly.

But before he proceeded to that part of his duty, he thought it neceſſary, from ſome things that he was informed had been ſaid *ſomewhere*, to ſay ſomething upon the nature of impeachments.

The Houſe of Commons, he obſerved, formed the diſtinguiſhing feature of the Britiſh Conſtitution, and gave it that pre-eminence which it poſſeſſes over the neighbouring States. Of the functions of that Houſe, the moſt important was undoubtedly the privilege of Impeachment, which it was now exerciſing. —It was that which gave ſpirit and energy to the other parts of the Conſtitution, which without its vital impulſe, would languiſh and decay.

If any one thing could more effectually than another ſecure the conſequence and exiſtence of the Houſe of Commons in this conſtitution, and maintain a due execution of the laws, it

was

was the privilege inherent in the repreſentative body of the people of England, of impeaching thoſe who might think themſelves above the law, or beyond its reach. A proceeding, by impeachment, was not indeed governed by any known *ſtatute law*, but it was founded in the law and cuſtom of Parliament, which was no leſs binding. All the authors who had written upon our laws, from Lord Coke, who was called the oracle of the law, down to Mr. Juſtice Blackſtone, a late eminent Commentator upon that ſubject, had agreed, that the *Lex et conſuetudo Parliamenti*, were part of the law of the land. Nay, if they were not, it were in vain that our laws were good; for what inſured the execution of them but this power, this legal power of the Houſe of Commons, of proceeding by impeachment againſt thoſe, who, depending upon their high ſituation in the country, for impunity, might be daring enough to violate the laws?

The Judges of the preſent day, he admitted, were men of integrity, and far ſuperior to their predeceſſors in other times, in a fair and impartial diſtribution of juſtice. But what made them ſo? The wiſe policy that had placed them beyond the reach of temptation, and the wholeſome and ſalutary fear of impeach-

peachments, which ſupported their natural reſpect for the laws, and their love of juſtice. But ſhould judges, or other perſons like them in high ſituations, tranſgreſs the bounds of their duty, it was by impeachment, and impeachment only, that they could be brought to juſtice. The inference he drew from theſe obſervations was, that impeachments were not only conformable to law, but that the power and privilege of the Houſe of Commons to impeach, and of their Lordſhips to try perſons ſo impeached, were part of the law of the land, and the higheſt and moſt important branch of it; for if the *Lex et conſuetudo Parliamenti* were not part of that law, the people could have no ſecurity that any law would be executed, or that juſtice would ever be fairly adminiſtered by perſons over whom there was not another, and a ſupreme trial, to which they were to be reſponſible for their conduct. And for his own part, he muſt look upon thoſe perſons, if any there were, who were enemies to the legal principle of impeaching, as perſons who were enemies to what they ſtood in fear of, and to the conſtitution of their country, of which the right veſted in the Houſe to impeach delinquents, was the greateſt bulwark.

Having

Having prefaced ſo much upon the law of impeachments, he next made ſome obſervations reſpecting the Commons, and the Committee appointed to manage the proceedings againſt the Priſoner. He ſaid, that whenever, in former periods, impeachments had been carried up to the bar of the Houſe of Lords, it was always by the *prevalent* party in the Houſe of Commons; and that party always did, of courſe, carry great weight with it. In the preſent caſe, the Charges had been carried up with the concurrence of all parties. It was very well known that many opinions had prevailed of late in Parliament, and particularly relative to India affairs; that thoſe opinions, however oppoſite, had partiſans among all deſcriptions of public men in this country. It was known alſo, that thoſe who had perhaps with animoſity, certainly with ardour, oppoſed each other upon moſt public topics, had agreed however in the neceſſity of impeaching Mr. Haſtings: and the impeachment ought to derive additional weight from this circumſtance, that the great parties which divided the country and the Houſe of Commons, had agreed to a truce, had reſted upon their arms, and ſuſpended their animoſities, while they debated the propriety of bring-

ing the preſent impeachment, and finally reſolved upon it. He could not in this caſe determine whether more praiſe was due to thoſe who had preſſed forward the buſineſs in ſpite of diſcouragement and oppoſition, or to thoſe in power who had joined in the meaſure, and candidly yielded to their conviction. In either party he knew of nothing that could be more honourable or more meritorious; he was therefore the more ſurpriſed to find, that attempts had been made to ridicule the proceedings and the privileges of the Commons, for the ſole reaſon that perſons not now in power, had the honour of being appointed Managers of the Proſecution. Had it been carried on by thoſe in power—by thoſe who could puniſh the indiſcreet and gratify the intereſted—a very different comment would have been made; but the very circumſtance which encouraged perſons to trench as far as they dared on the privileges of the Houſe of Commons, would in every liberal and candid boſom have excited oppoſite ſenſations. It would have conciliated reſpect, and enſured protection.

The conduct of both the parties that had concurred in inſtituting the preſent proſecution, was ſtill more honourable in another reſ-

pect—

pect—that the miſerable objects for whom they ſtood forth, were perſonally unknown to them: they could give to their advocates neither eminence nor popularity: they could reward them only by fervent ſupplications to heaven; and the ſole reward of the deed muſt be in the conſciouſneſs of having performed ſuch an action.

He concluded his preface with the following obſervation—That it was no ſmall credit to thoſe who did not form the prevailing party in the Houſe of Commons, but who had nevertheleſs perſevered in bringing to light the atrocities which were the ſubject of the impeachment, that the whole management of it was entruſted to their care and judgement. At the ſame time, however, he felt the neceſſity of calling upon their Lordſhips to take the Committee under their protection, and ſhield them from any diſreſpectful language, which ſome perſons might be bold enough to uſe againſt a Committee, in which none of thoſe members appeared who were inveſted with the greateſt power in the nation.

Here Mr. *Fox* began to enter upon the Charge relative to the Rajah of Benares.

It appeared, he ſaid, that Rajah Bulwant Sing, the father of Cheit Sing, late Prince or

Zemindar of Benares, was a great Lord of the Mogul Empire, upon which he was dependent through his immediate Lord, Sujah ul Dowlah, late Nabob of Oude, who was Vizier of the Empire. To this Prince the Engliſh owed many obligations for very conſiderable ſervices done to them by him, at a time when ſervices were moſt acceptable, and his friendſhip moſt valuable: he attached himſelf to the Engliſh, when they were engaged in war, and when they had occaſion for all the reſources that wiſdom or policy could diſcover and draw forth. The Eaſt India Company having been made acquainted with the friendly conduct of Bulwant Sing towards their Government, made grateful mention of it in their letter of the 26th of May 1768, as would appear from the following paſſage in it:—"Bulwant Sing's joining us, at the time he did, was of *ſignal ſervice*; and the ſtipulation in his favour was what he was juſtly entitled to. We commend the care you (the Preſidency) have taken of thoſe who have ſhewn their attachment to us during the war. The moderation and attention paid to thoſe who have eſpouſed our intereſts in this war, will *reſtore* our reputation in Indoſtan; and the Indian

powers

" powers will be convinced that no *breach of*
" *treaty will ever have our ſanction.*"

This Prince had been put in poſſeſſion of the Zemindary, or principality of Benares, by the Nabob Vizier, who was the lord paramount of the country, on condition that he ſhould pay an annual tribute. This condition was faithfully performed by Bulwant Sing to the day of his death, which was the 23d of Auguſt 1770. The Preſidency of Calcutta, as well from motives of gratitude, as principles of policy, intereſted itſelf in procuring for Cheit Sing, the ſon of the deceaſed, a confirmation from the Vizier of the ſucceſſion to the inheritance of his father. John Cartier, Eſq. was at that time Preſident of Calcutta, and by direction of the Board, ſent inſtructions to Captain Gabriel Harper, then at the Vizier's Court, to intereſt himſelf for the young Rajah.—In his letter on that occaſion, the Preſident made uſe of theſe ſtrong expreſſions :—" As it is of the utmoſt political
" import to the Company's affairs, that Cheit
" Sing ſhould ſucceed to the provinces lately
" poſſeſſed by his father ; and the young man
" ought not to conſider the price to be paid to
" ſatisfy the *Vizier's jealouſy and avarice.* The
" ſtrong

" ſtrong and inviolable attachment which " ſubſiſted between the Company and the fa- " ther, makes us moſt readily interpoſe our " good offices for the ſon."

Captain Harper accordingly opened a negotiation with the Vizier on this ſubject; and finally concluded a treaty with him, under the mediation and *guarantee* of the Company, by which, in conſideration of near 200,000l. paid down, and an annual tribute, greater by 30,000l. than Bulwant Sing paid, a deed of confirmation was paſſed by the Vizier to the young Rajah, Cheit Sing, and *his heirs*, of the provinces held of the former, by the father of the latter: ſo that Cheit Sing became, in *fact*, a *purchaſer*, for *valuable conſiderations*, of his right and inheritance in the Zemindary. In conſequence of this grant, the young Rajah was ſolemnly inveſted with the government of the city of Benares, amidſt the acclamations of a numerous people, and to the great ſatisfaction of all parties.

The treaty between the Vizier continued withous any violation for three years, under the ſanction and guarantee of the Company; at the end of which time, Mr. Haſtings being Preſident at Calcutta, propoſed a further confirmation

firmation of the grant to the young Rajah; and on the 12th of October, 1773, a delegation for himſelf to be the perſon to negotiate it; it being his opinion, as he ſtated it in his report to the Board ſome few days before, (on the 4th of October,) that the Rajah was not only entitled to the *inheritance* of the Zemindary, by the grant through Captain Harper, but that the preceding treaty of Illiabad, though *literally* expreſſing no more than a ſecurity *perſonal* to Bulwant Sing, did, notwithſtanding, in the true ſenſe and import of the grant, extend to his *poſterity*; "and that it had "been differently underſtood, (that is, not li-"terally,) by the Company, and by this Ad-"miniſtration; and the Vizier had before put "it out of all diſpute, by the ſolemn act "paſſed in the Rajah's favour on his ſucceſ-"ſion to the Zemindary."

Mr. Haſtings, in conſequence of the delegation from the Board, received inſtructions from it to *renew*, in behalf of the Rajah, Cheit Sing, the ſtipulation which was formerly made with the Vizier, in conſideration of his father's ſervices in 1764.—Mr. Haſtings accordingly negotiated the buſineſs, and brought it to the concluſion he looked for: The government

vernment was confirmed to the Rajah and his *poſterity*, in conſideration of the 200,000l. already mentioned, and an annual tribute encreaſed to ſomething more than 23 lacks of of rupees. This expreſs proviſion was included in the act of confirmation, and guarantied by the Company, "that no *encreaſe* ſhould ever "after be demanded." To the true obſervance of this proviſion, and of the whole treaty, Sujah ul Dowlah bound himſelf by the moſt ſolemn and awful form of oath known in the Mahomedan religion, and inſerted in the body of the deed or grant.

Mr. Haſtings, and his Council, clearly underſtood, that whilſt the Rajah ſhould faithfully and punctually pay the ſtipulated tribute, the Vizier could neither diſturb him in the poſſeſſion of his territories, or exact any thing whatever from him, beyond the certain and fixed tribute ſpecified in the treaty. This appeared incontrovertible from a circumſtance which happened ſoon after:—the Vizier finding himſelf on the eve of a war, called upon the Rajah for an extraordinary aid of five lacks of rupees, or 50,000l. ſterling. Mr. Haſtings, and the Council, as guarantees of the treaty between the Vizier and the Rajah, interpoſed,

interpoſed, and ſignified to the former, that his claims upon the latter were preciſe, and aſcertained; that he could demand his tribute, but *no more*; and the Company could not, and would not ſuffer a treaty, to which they were guarantees, to be infringed by either party. In conſequence of this interpoſition of Mr. Haſtings, the Vizier was obliged to deſiſt from his demand; and Cheit Sing's rights to his dominions on the payment of the ſpecific tribute, but nothing more, were fully explained and maintained.

Some time after Azuph ul Dowlah, the ſon and ſucceſſor of Sujah ul Dowlah, Nabob of Oude, having occaſion for money, called upon Cheit Sing to pay him five lacks of rupees, not as an aid, or an encreaſe of tribute, but merely *in advance*, and on account of the ſtipulated tribute. In this he was oppoſed by Mr. Haſtings and the Council, who reminded him, that he had no right to demand any part of the tribute *in advance*. That the days of payment were ſpecified in the treaty, as well as the amount of the payment; and that he muſt conform in every thing, to the proviſions in the treaty, which allowed him no claim upon the Rajah, but for the fixed tribute,

and at the periods ſpecified in the agreement. This interpoſition of the Council was as ſucceſsful as the former; and the Nabob was forced to deſiſt from his claim, as his father had been before him.

In the year 1774, the Nabob thought proper to cede and transfer to the Company, the ſovereignty paramount which he enjoyed over the provinces held of him by Cheit Sing. It was clear that the Nabob could aſſign no greater right than he poſſeſſed; and the Company could not take more than he had it in his power to give; and therefore, though the ſupreme dominion was changed, and the Company was now become the paramount ſovereign of Benares, inſtead of the Nabob, ſtill the terms and condition of the tenure of the Rajah remained the ſame. But that no doubt ſhould be entertained upon the ſubject, and that there ſhould not be left the leaſt room for miſconſtruction, Mr. Haſtings, by that time become Governor General of Bengal, under the authority of an act of Parliament, did himſelf propoſe to the Council, when the treaty of ceſſion was in agitation, that whatever proviſion might be made in the ſaid treaty for the intereſt of the Company,

the

the ſame ſhould be "without an encroach-
"ment on the juſt rights of the Rajah, *or the*
"*engagements actually ſubſiſting with him.*"

Mr. *Fox* obſerved, that three things appeared clearly from theſe circumſtances:—1ſt, That the Company, after the ceſſion of the country, had no greater rights to it, or demands upon it, than the Nabob had, when he was going to aſſign the paramount ſovereignty to the Company.—2dly, That the Nabob had no claim whatever upon the country, the ſovereignty over which he ceded to the Company, beyond the fixed annual tribute.—And, 3dly, That Mr. Haſtings was thoroughly acquainted with theſe circumſtances, from the ſhare he had had in the different treaties, as well between the Nabob and the Rajah, as between the Company and the Nabob; and that conſequently, if Mr. Haſtings invaded the rights of the Rajah, and violated a treaty, he could not plead ignorance of theſe rights, or of the treaty, as a defence or extenuation of his guilt.

As ſoon as the Rajah had become tributary to the Company, by the ceſſion made by the Nabob of all his rights to Benares, Mr. Haſtings, himſelf, propoſed to enlarge the powers

and authority of the Rajah, and make him, as far as a tributary could be, a completely independent Prince; for he moved the Supreme Council, that in addition to the authority and pre-eminence already enjoyed by the Rajah, a grant ſhould be made to him of the ſovereign rights of the mints, and of the entire adminiſtration of criminal juſtice within the limits of his provinces; ſo that having at once the power of life and death, and of coining money, he might be inveſted with the greateſt ſymbols of royal or ſovereign power.—Mr. Fox ſaid, that he could not better expreſs the meaning of Mr. Haſtings, than by reading the minute of the propoſition which he made himſelf, as Governor General, in the Supreme Council.

The motion made by Mr. Haſtings, on this occaſion, was as follows:—

"That the *perpetual* and *independent* poſſeſ-
" ſion of the Zemindary of Benares, and its
" dependancies, be confirmed and guarantied
" to the Rajah Cheit Sing, and his heirs for
" ever, ſubject *only* to the annual payment of
" revenues hitherto paid to the Nabob Vizier,
" amounting to (Benares *ſicca rupees*) twenty-
" three lacks, 71,656 rupees, to be diſpoſed

" of

" of as is expreſſed in the following article. (N. B. to be inſerted in a treaty then negotiating for this purpoſe;) " *That no other demand* " *be made on him, either by the Nabob of Oude,* or " this Government; nor any kind of authority " or juriſdiction be exerciſed by either, within " the diſtrict aſſigned him."

To the minute of this motion, Mr. Haſtings ſubjoined the following obſervation in writing, and recorded with it in the Council books:—*The Rajah of Benares, from the ſituation of* " *his country, which is a frontier to the Provinces* " *of Oude and Bahar, may be made a ſerviceable* " ALLY *to the Company, whenever their affairs* " *ſhall require it; he has always been conſidered in* " *this light, both by the Company and the ſucceſſive* " *Members of the late Council; but to inſure his* " *attachment to the Company, his intereſt muſt be* " *connected with it, which cannot be better effected* " *than by freeing him totally from the* REMAINS " *of his preſent vaſſallage, under the guarantee and* " *protection of the Company; and at the ſame time* " *guarding him againſt any apprehenſions from this* " *Government,* BY THUS PLEDGING ITS FAITH, " THAT NO ENCROACHMENT SHALL EVER BE " MADE ON HIS RIGHTS, BY THE COMPANY."

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One might have imagined, ſaid Mr. Fox, that the independent rights had been ſufficiently ſecured by the article which had juſt been read, and the comment that had been made upon it by the Governor General; but ſtill Mr. Haſtings, as if anxious to make ſecurity ſtill more ſecure, cauſed the following article to be inſerted in the treaty, relative to this ſubject, which was at that time pending:—"That whilſt the "Rajah ſhall continue faithful to theſe engagements, and punctual in his payments, "and ſhall pay due obedience to the authority "of this government, *no more demands* ſhall be "made upon him by the Honourable Company, of ANY KIND; or on any pretence "whatſoever, ſhall any perſon be allowed to "interfere with his authority, or to diſturb the "peace of his country." The other Members of the Council aſſented to this article without any debate.

From the year 1775, when this treaty was concluded and ſigned, to the period in which it was firſt violated, a period of *three years* had elapſed; a ſhort period indeed, in itſelf, but an *age*, if it was conſidered that Mr. Haſtings, who was in the habit of violating his engagements almoſt as ſoon as they were made, had ſuffered this

this treaty to remain inviolate for three years.
" But, my Lords, ſaid Mr. Fox, I beſeech you
" not to let this ſingle, *ſolitary* circumſtance,
" and with reſpect to Mr. Haſtings, *ſui gene-*
" *ris*, take any thing from that reputation
" which I ſhall prove he deſerves, for uniformity, of principle, and conſiſtency of character, in violating the moſt ſolemn treaties.
" True it is, my Lords, that every other engagement; every other promiſe; every other
" treaty, trifling or ſerious, private or public,
" made by him, has been broken, violated, falſified, long before the lapſe of a period of
" three years; nay, generally before the ink with
" which the engagement was written could well
" have had time to dry: in this ſingle ſolitary
" inſtance of faith, preſerved by him for thrice
" 365 days, he deviated from his uſual practice. But I entreat your Lordſhips not to refuſe to Mr. Haſtings, for this one exception, the negative glory of want of honour,
" and complete deviation from all that is
" law, juſtice, and good faith. It would
" be as unjuſt, my Lords, on this ſingle
" exception, to with-hold from Mr. Haſtings
" that negative praiſe of which I believe he
" is ambitious, becauſe he for once ſuffered his mind to be tainted with integrity,

" as

" as it would be to deny a virtuous man the " praiſe and merit of conſiſtent virtue, becauſe " he for an inſtant only in his whole life had " ſuffered the ſhadow of vice to paſs over his " mind."

Mr. Fox then obſerved, that this unuſual adherence to engagements for ſo long a time as three years, muſt neceſſarily aſtoniſh thoſe who were acquainted with the character of the Priſoner; " But, ſaid he, it does not " aſtoniſh me, becauſe I am able to account " for it; and in another part of my ſpeech I will " prove to your Lordſhips, that his adherence " to the treaty with Cheit Sing for three long " years, could be aſcribed to nothing elſe but " *a want of power to break it.*"

Before he ſhould ſtate the particular inſtances in which this treaty had been broke, he ſaid he would take notice of two kinds of defence ſet up by Mr. Haſtings; one was, that Mr. Francis, and the Council, had acquieſced in ſome of the demands, which were charged as breaches of the treaty:—the other, that the Company, whoſe ſervant he was, had been appriſed of thoſe demands, and had never found fault with them. Here, indeed, was a triumph to Mr. Francis, and to the memory of

Sir

Sir John Clavering and Colonel Monſon, that Mr. Haſtings ſhould ſhelter himſelf behind the impenetrable ſhield of that Honourable Gentlemen's fair name; but, in truth, he had no pretention to that ſhield—for Mr. Francis had, as it would appear in evidence, queſtioned the right upon which Mr. Haſtings had founded his demands upon Cheit Sing, and given his opinion directly againſt it. But, if he had not, ſurely their Lordſhips would not endure, that a man who had propoſed a violation of treaty ſhould defend himſelf by ſaying, that the Council adopted his idea, and made it their own. In truth, no man who acted with a *body*, could ever be brought to juſtice, if it was a good defence, that the *body* had concurred in it.

The other part of Mr. Haſtings's defence on this head, was as ſingular as it was daring: he pleaded the ſilence, or implied pardon of the Eaſt India Company, in bar to the impeachment; though he knew, or ought to have known, that a pardon, even under the Great Seal, could not be pleaded in bar to an impeachment brought by the Houſe of Commons.

But to return to the violation of the treaty with Cheit Sing:—in two or three months after the poſſeſſions of that Prince had been confirmed to him by the Company, the Council cauſed it to be intimated to him, that it would be adviſeable for him to keep up in time of peace a body of 2000 cavalry, which the Company would borrow from him in time of war or neceſſity, paying him at a certain rate for every private, and every officer: but the Council, of which Sir John Clavering, Colonel Monſon, and Mr. Francis, were the majority, ſignified to him, at the ſame time, that this was not a *demand*, but merely a *recommendation*. But when that majority was deſtroyed, by the death of the two firſt gentlemen, Mr. Haſtings ſoon let Cheit Sing know, that the treaty was binding upon the Governor General and Council only as far as they ſhould think proper to think it ſo; for upon a rumour of the approach of a war with France, in 1778, he made a demand of *five* lacks of rupees, in addition to the annual tribute.

Here was a manifeſt violation of the treaty; for the Company had bound itſelf to let the Rajah hold his Zemindary on the ſame terms on which he had held it of the Nabob; and the

the Preſidency had proved, by making the Nabob deſiſt from a demand of an extraordinary aid, that he was entitled to nothing more than his annual tribute. The Company ſtanding preciſely in the ſituation of the Nabob, after that Prince had aſſigned to it the ſovereignty of Benares, could, of courſe, have no legal pretenſion to exact more from the Rajah, than the Nabob could have done. Nay, the Company had gone a great deal farther; for it had bound itſelf to maintain all the engagements that ſubſiſted between the Rajah and the Nabob; and upon the punctual payment of the tribute, *never to make any further demand* of ANY KIND upon the former.

Upon what ground then was this increaſe of tribute, or extraordinary aid demanded? upon one the moſt pitiful that could be ſuggeſted, and the moſt untenable that could be advanced.

Their Lordſhips, he ſaid, would recollect a motion which he had lately read to them, that had been made by Mr. Haſtings in the Council at Calcutta: to refreſh their memory, he would read it again. It was this—"That "whilſt the Rajah ſhall continue faithful to "theſe engagements, and punctual in his pay-

" ments, and pay due obedience to the autho-
" rity of this Government, no more demands
" ſhall be made upon him by the Honourable
" Company of ANY KIND," &c. &c. Now, it was under the colour of theſe words, " *and* " *pay due obedience to the authority of this Govern-* " *ment*," that Mr. Haſting maintained he had a right to make this extraordinary demand: but ſurely it would appear to their Lordſhips, that theſe words could not give him any fair pretence for aſking more than the annual tribute; for if they did, the treaty would be nugatory; and inſtead of ſtating any fixed and certain ſum for the tribute, the Governor General would have acted a more manly part, and more worthy of himſelf, if he had ſaid to Cheit Sing, " You ſhall hold your Zemindary, " ſubject to whatever demands it ſhall pleaſe " this Government to make upon you." The Rajah, in that caſe, would have fully underſtood his ſituation; and would not have been deluded with the idea of independence, which the treaty held out to him, on the punctual payment of his tribute. Mr. Haſtings maintained, that the words, " *and pay due obedience to* " *the authority of this Government*," reſerved to the Company a right of making any exaction

from

from the Rajah; and bound the Prince to comply with them. But ſurely theſe words bore a very different meaning. The fair and obvious conſtruction of them was, that as long as the Rajah ſhould perform his covenants, be ſteady in his allegiance, loyally adhere to the Company, and renounce all connections with its enemies, he ſhould be conſidered as paying due obedience to the Company's government. But Mr. Haſtings had a dictionary of his own, very different from that of any man, for expounding treaties, and explaining terms. He had aſſerted in his written defence, that in India, the Lords paramount had an arbitrary dominion over their vaſſals; that their power was their right; and that their rights were every thing their *power* could make them—the rights of the vaſſals were nothing. SOVEREIGNTY, therefore, in the dictionary of Mr. Haſtings, conveyed a very different idea from any that is annexed to that word in any part of Europe. "By Sovereignty (ſaid the Priſoner, in his de-" fence at the bar of the Houſe of Commons) " I mean ARBITRARY POWER." And leſt his meaning ſhould be miſunderſtood, leſt he ſhould be thought to have ſpoken of *abſolute* power, he added, "What I mean by arbitrary

" power, is, that ſtate where the *will* of the " Sovereign is *every thing*—and the *rights* of " the ſubject—*nothing*." I do not in general, ſaid Mr. Fox, approve either of the logic or definitions of Mr. Haſtings; but in this caſe I give him credit for having given a full and fair definition of *arbitrary power*. But though he approved of the definition, he ſaid he execrated the doctrine which it had been adduced to countenance; becauſe if admitted, it would go the full length of cutting up all intercourſe between nations, and render the moſt ſolemn treaties nugatory and unneceſſary: for if treaties were not to be binding upon the parties, but were diſſolvable at the will of arbitrary power, the world would look upon them as ſnares, and not as ſecurities for the enjoyment of rights, without which no intercourſe could ſubſiſt between nation and nation, or man and man. In every bargain or compact, there muſt, in the nature of things, be a *quid pro quo*; but what was the thing or advantage, or return, that Cheit Sing was to get for the annual tribute which he bound himſelf to pay? He himſelf thought it was independence, and an exemption from all further demands of any kind whatever; and had he heard Mr. Haſtings

ings deliver the ſame doctrine, before the treaty was ſigned, that he had ſince delivered to the Houſe of Commons, as the juſtification of his conduct towards the Rajah, that unfortunate Prince would have given himſelf little trouble about the wording of a treaty, which was to be binding upon the Company, only as long as the Company, by ſuſpending the exerciſe of its arbitrary power, ſhould be pleaſed to be bound by it. What would the Rajah have ſaid, what would have been his aſtoniſhment, if he had heard the Governor General hold this language—" Pay me your tribute punc-
" tually—then pay me over and above that,
" whatever other ſum I ſhall think proper
" to aſk—and then, I aſſure you, I will not
" demand any *more!*" If the Rajah ſhould ſay—" the treaty gives you no power to aſk
" for more than the annual tribute:—It ſe-
" cures to you the payment of that tribute,
" and to me the right of enjoying my Zemin-
" dary free from all other exemptions and de-
" mands of any kind whatever." The Governor General would reply—" My WILL, as a
" Sovereign, is *every thing*—your *rights*, as a
" ſubject, are—NOTHING!"—And thus he would convince him that ſuch a Sovereign, as

Mr.

Mr. Haſtings, was too great to be bound by treaties.

There was one other ground, indeed, on which Mr. Haſtings had defended the extraordinary demands he made upon the Rajah. When the grant of the Royal privilege of coining money was made to Cheit Sing, it was on condition that he ſhould coin according to a certain ſtandard; and, if he did not, that the Company reſerved to itſelf a right to *fine* him. One would imagine, that whatever was not reſerved to the Company in the treaty, was given to this Prince: now nothing more than the twenty-three lacks annually, and the power of fining him in caſe he ſhould debaſe the coin, was reſerved; therefore every thing elſe was granted to him, for *exceptio probat regulam.* The exception undoubtedly tended to prove, that the general right did *not* exiſt. Mr. Haſtings, however, had aſſumed a contrary inference in his defence: he alleged, that the exception being made in that inſtance, proved that the right exiſted in every other; and inverting the axiom *exceptio probat regulam*, he contended, that becauſe an exception was made in a particular inſtance, the ſame exception ſhould be underſtood in all caſes whatſoever;

and

and this very exception made ſtrongly againſt his own argument, founded upon *arbitrary power*. For if the Priſoner did not intend to reſtrain the exerciſe of that power, by the treaty, he would not have been ſo abſurd as to reſerve to himſelf, by a particular clauſe, the right of fining, if he underſtood that he was to have at all times the right of calling for extraordinary aids, and making Cheit Sing pay whatever ſums he ſhould be pleaſed to exact.

But this doctrine, "that the treaty was not "binding upon this Aſiatic Sovereign any "longer than it ſuited his own pleaſure; and "that by his arbitrary power he was at liberty "at all times to reduce the rights of the Rajah "to NOTHING," Mr. Haſtings did not preſume to divulge, or maintain, for three years after the treaty was ſigned; for during that period he had a majority of the Council againſt him, conſiſting of Sir John Clavering, Colonel Monſon, and Mr. Francis, men who held the faith of treaties ſacred, and deemed a due obſervance of them an indiſpenſable obligation on *all* the contracting parties, however great and powerful ſome of them might be, and however weak and defenceleſs the others. But death having, unfortunately for India, and the honour

of the Britiſh name, removed Sir John Clavering and Colonel Monſon, and reſtored Mr. Haſtings to the plenitude of power, Cheit Sing ſoon experienced that his rights under the treaty, which with the late majority were *every thing*, were, with Mr. Haſtings—*nothing*. So that the inſtant this laſt gentleman had it in his power to violate treaties, and the inſtant that the treaty with Cheit Sing was actually violated, might be ſaid to be one and the ſame; and their Lordſhips would ſee by this, his adherence to that treaty for three whole years had not by any means originated in any paltry ſcruple of conſcience about the ſacred nature of treaties. Such a ſcruple might find its way to the breaſt of weaker men; that of Warren Haſtings was impervious to it. In July 1788, on the rumour that the empire was threatened with a French war, the Governor General ſent to the Rajah an order that he ſhould pay forthwith, an extraordinary aid of five lacks of rupees, or 50,000l. ſterling, over and above his annual tribute.

It would be fair to examine the grounds on which ſuch a demand, ſuppoſing it even not to be illegal, could have been urged with propriety at that time.

Perhaps,

Perhaps, it might be ſaid, this breach of treaty was occaſioned by the neceſſities of the ſtate, which made the Governor General call upon all the great tributary Princes to contribute to the ſupport of the public cauſe; and tax them all according to the extent of their territories. —This was far from being the caſe; for, according to Mr. Haſtings's own ſtatement, there were in the Company's treaſury, in India, at the time when this extraordinary demand was made upon the Rajah of Benares, *two crores* of rupees, or Two MILLIONS ſterling:— It was clear, therefore, that it was not on account of the diſtreſſed ſtate of the Company's finances that his demand was made.

Nor could it be ſaid, that, in a general aſſeſſment of all the tributary Princes, this was the quota that was to be furniſhed by Chiet Sing; which quota of five lacks of rupees, or 50,000l. though a large ſum for an individual to advance, would be no great acceſſion to the ways and means of the Company towards carrying on a war; yet, added to the quotas of the other great vaſſals, would amount to a vaſt ſum. But the anſwer to this was,—that it was *not* part of a general aſſeſſment; for Cheit Sing was the only tributary Prince who had been

called upon to advance any money. And indeed it was ſtrange that Mr. Haſtings, who had reſiſted a ſimilar demand made upon the ſame Prince, by Sujah ul Dowlah, before he had ceded the ſovereignty of Benares to the Company, and reſiſted it on this ground, that it was contrary to the treaty by which Cheit Sing held his territory, ſhould now urge a demand, juſt as unwarrantable, for the ſame ſum. Sujah ul Dowlah was on the eve of a war with the Rohillas, and called upon his vaſſal for an extraordinary aid. Mr. Haſtings interpoſed, and ſaid—"You are not entitled to any thing "more than the twenty-three lacks reſerved "to you by the treaty." Surely the ſame anſwer might be applied to Mr. Haſtings, when he urged the ſame demand.—Cheit Sing was not put in a worſe ſituation by the ceſſion of the ſovereignty of his Province by one lord paramount to another, than he was before it:—the only difference to him, conſequent to the ceſſion, was, that he was to transfer that tribute, and that allegiance, to the Company, which before he owed by treaty to the Vizier. And in bar to Mr. Haſtings's demand, he might have pleaded the treaty, as Mr. Haſtings had formerly pleaded it for him, in bar to the demand

mand made upon him by the Vizier. But Mr. Haſtings had the convenient doctrine of arbitrary power to plead in reply; he might ſay, as he had ſaid in his defence before the Houſe of Commons, that the right of the *Sovereign* is EVERY THING in India, and the right of the *ſubject* NOTHING. "Execrable ſophiſtry! (exclaimed Mr. Fox) it is hard to determine "whether one ought moſt to abominate the "intolerable tyrant, or deſpiſe the contemptible ſophiſt!"

If their Lordſhips, Mr. Fox remarked, had merely a general and popular knowledge of this ſubject, on hearing that the unfortunate Rajah had been diveſted of all authority, and expelled from his dominions, they would undoubtedly ſuppoſe that Cheit Sing had refuſed to pay the fine, and had been thus puniſhed for his contumacy. But Mr. Haſtings had not even this plea for the juſtification of his conduct. For the Rajah complied with his demand, and paid the whole ſum. He wrote a letter on this occaſion to the Governor General, in terms the moſt ſubmiſſive, to mollify him, and prevail upon him not to proceed in making demands which the Rajah ſaid he did not conceive to be warranted by the treaty; at the

ſame

ſame time he threw himſelf entirely upon the Governor General for protection, aſſuring him, that "in every inſtance he depended on his "faith, religion, and promiſes." But Mr. Haſtings, as if conſidering an admonition to keep his promiſes, as an incentive to violate them, did, on the very day after he received Cheit Sing's letter, renew a demand of the ſame nature, and on the ſame pretence, but leſs plauſible—for three battalions *to be* raiſed by the Rajah. This was the leſs expected by the Rajah, and the more ſurpriſing to him when he heard it, as the Governor General, when he made a demand of five lacks of rupees, had agreed that it ſhould continue only for one year, and ſhould not be drawn into precedent. The Rajah, on being informed of this new requiſition, reminded Mr. Haſtings, that he had engaged, in the laſt year, that but one payment ſhould be made, and that he ſhould not be called upon in future for any aid not ſpecified in the treaty; he pleaded inability to diſcharge the new demand, and ſaid he hoped the Governor General would excuſe him the five lacks then demanded of him, beyond the amount expreſſed in the *pottah*, or treaty. Mr. Haſtings, in his anſwer to

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the Rajah, took not the leaſt notice of Cheit Sing's allegation, that he had made an engagement that the Rajah ſhould not be called upon in future; but wrote to him in the following peremptory manner:—" I now repeat my de-
" mand, that you do, on the receipt of this,
" without evaſion or delay, pay the five lacks
" of rupees into the hands of Mr. Thomas
" Graham, who has orders to receive it from
" you; and, in caſe of your refuſal, to ſum-
" mon the two battalions of Sepoys, under
" the command of Major Camac, to Benares,
" that meaſures may be taken to oblige you to
" a compliance: and in this caſe, the whole
" expence of the corps, from the time of its
" march, will fall on you."

The Rajah remonſtrated a ſecond and a third time, though in terms the moſt reſpectful, on the breach of promiſe; but the Governor General, as if wholly indifferent about a charge affecting both the honour of the Britiſh nation, and his own perſonal character, in a point in which a ſtate, and a gentleman, ought always to be very jealous, the obſervance of treaties, and the faith of engagements, did not give himſelf the trouble of even denying the foundation of ſuch a charge; but ordered the troops to Benares,

nares, and in the moſt harſh and inſulting manner, as if he did it for the purpoſe of provoking the Rajah to ſome act of reſiſtance, compelled him to pay this ſecond unjuſt demand; and further, he extorted from him the ſum of 2000l. ſterling, on pretence of the charge of the troops employed to coerce him.

In the year 1780, the Governor General made a third demand of five lacks of rupees. The Rajah finding that his remonſtrances were fruitleſs, and that Mr. Haſtings would ſupport his demand, however unjuſt, with the irreſiſtible arguments of armed battalions, complied with it; and thus in three years he paid fifteen lacks, or 150,000l. more than by treaty he was bound to pay.

But, as if the compliance of the Rajah ſerved only to encourage the Governor General to make further demands, for the purpoſe, as it were, of wearing out his patience, and driving him at laſt to extremities, Mr. Haſtings, not ſatisfied with the annual tribute, which was paid punctually, not ſatisfied with the payment of five lacks a year, for the three laſt years, over and above the annual tribute, on a ſudden ſent the Rajah an order to provide a body of 2000 cavalry for the ſervice of the Company.

When the Council, in the life-time of Sir John Clavering, had *recommended* it to Cheit Sing, to keep up ſuch a body of horſe, it was ſignified to him, that if the Company ſhould have occaſion to borrow it, he ſhould be allowed a fixed ſum for every officer and private, while the Company ſhould keep the cavalry in their ſervice. But this requiſition, made by Mr. Haſtings, did not ſo much as inſinuate that the Company would pay theſe troops while they ſhould keep them in their ſervice.

Cheit Sing cauſed it to be ſignified to the Governor General, that he had in his whole country no more than 1300 horſe. Mr. Haſtings thought proper at laſt to lower his demand to 1000. The Rajah ſaid that his cavalry was diſperſed over his country, and that he could not conveniently collect or ſpare more than 500; and inſtead of the other 500, he offered 500 *burkundaſſes*, or matchlock-men.

The keeping up of a body of cavalry by the Rajah, at the requiſition of the Council, was not obligatory on the former; and if, having kept it up, he had lent it to the Company, the latter, of courſe, according to the propoſition of the Council, became bound to defray the expence of the corps, while retained in the

public ſervice. The agreement was in the nature of a *ſubſidiary treaty* between two equals, in which one engaged to provide the men, the other the money; and as well might the King of Great Britain claim the ſovereignty of the dominions of the Prince of Heſſe Caſſel, becauſe there was a ſubſidiary treaty between them, as Mr. Haſtings could pretend that Cheit Sing had forfeited his rights to his Zemindary, becauſe he did not ſend to the Governor General, *at his own expence*, a body of 1000 horſe, which the Company had agreed to take into pay, if they ſhould have occaſion to require the aſſiſtance of that body. However, even this pretence failed Mr. Haſtings; for the Rajah ſent 500 horſe, and 500 burkundaſſes inſtead of the other 500; *and at his own expence.*

Here, to uſe Mr. Haſtings's own expreſſion, ſaid Mr. Fox, he loſt all patience.—At what?—At the intolerable inſolence of Cheit Sing, in offering one half of the complement of cavalry demanded of him; and, in room of the other half, which he could not conveniently ſpare or collect, 500 matchlock-men! He loſt all patience at the manner in which the unwarrantable demand of five lacks of rupees, annually

nually made, had been annually paid. The money was demanded in July, and the whole of it was paid, the firſt year, by the 10th of October. In the ſecond year, a ſimilar ſum was demanded in July, and the laſt payment of it was made good on the 21ſt of October. In the third year, the ſame demand was again made, and the final payment was completed by the 20th of October.

By a ſtrange way of reaſoning, Mr. Haſtings maintained, that the money was *due* the *inſtant* it was *demanded*. Had the ſum been made payable by the treaty, the time of payment would have been ſpecified. But how could a man be deemed criminal for not having money ready before he knew the day on which it would be demanded, or the amount of the ſum that he was to be called upon to pay? It was, however, for three ſucceſſive years, paid within three months of the day on which the demand was made. In England, few people paid what was due to the Crown, on the preciſe day on which it became payable: and he believed no Treaſury-board, however rigorous, would require more of a debtor to the Crown, who had been a little backward in his payment, than that he ſhould pay intereſt for the time that he

with-held the public money beyond the day of payment. But this was not the conduct of Mr. Haſtings; he haſtened to Benares, determined to puniſh the Rajah, and turn his crimes to the advantages of the Company, by impoſing a heavy fine upon him for his diſobedience. He did not conſider, that when orders were not legal, the diſobedience could not be criminal: he did not conſider that it was below the dignity of the ſtate, and contrary to the principles of all governments, to make the accumulation of wealth the object of criminal juriſprudence; and to make judicial puniſhments ſubſervient to that ignoble end. He departed from his character of Chief of the Executive Government in India, and took upon him that of a Criminal Judge. He united in his own perſon the three characters which natural juſtice would always endeavour to ſeparate—of accuſer, witneſs, and judge.

Before the Governor General had formed this reſolution, and while Cheit Sing was endeavouring to make him deſiſt from his ill-founded demands of the extraordinary aids of five lacks of rupees a year, the Rajah's Vakeel paid into the hands of Mr. Haſtings, two lacks, or 20,000l. ſterling, which was meant as a preſent

ſent for the Governor General, and was ſent for the purpoſe of conciliating his favour, and inſuring his friendſhip. Mr. Haſtings received the money, but without ſaying any thing to the Vakeel on what or on whoſe account he took it: ſo that the Rajah had reaſon to think, that as the money had not been refuſed, it had produced the deſired effect, and ſecured him the Governor's friendſhip. How great then was his ſurpriſe when he heard that Mr. Haſtings was ready to advance to Benares with a determination to inflict ſome ſevere penalty on him, inſtead of beſtowing marks of favour and kindneſs? He was actually employed in raiſing money to pay a new demand made upon him on the 3d of February, 1781, for the ſupport of three fictitious battalions of Sepoys, when he was alarmed with ſome intelligence of ſecret projects on foot for his ruin; and being well appriſed of the malicious and revengeful temper of Mr. Haſtings, he endeavoured to pacify him, if poſſible, by offering to redeem himſelf by a large ranſom, to the amount of 200,000l. ſterling, to be paid for the uſe of the Company.

When it was conſidered that the only crimes imputed at that time to the Rajah, were, that during

during the three preceding years, he had been a little backward in the payment of an extraordinary demand, and that inſtead of 500 horſe, he had offered 500 matchlock-men, the moſt that could in reaſon be required of the Rajah, as a retribution for the delay of payment, ſuppoſing the demands to have been legal, would have been intereſt for about ſix months in the whole three years upon 150,000l. and ſome advance in money for the difference between 500 horſe, and the ſame number of matchlock-men. Therefore, when the Rajah offered 200,000l. he ſhewed a readineſs to make an atonement infinitely greater than reaſon or juſtice could have required. And had Cheit Sing offended only againſt juſtice, the atonement would have been received as greatly overbalancing the guilt. But it was not *juſtice*, but *reſentment*, that animated Mr. Haſtings againſt the Rajah: On a rumour that Sir John Clavering had been appointed to ſuperſede Mr. Haſtings in the office of Governor General, Cheit Sing ſent a Vakeel to Calcutta, to congratulate the General on his appointment. This circumſtance would appear very natural to any perſon, who conſidered the humiliations to which the Princes of India were reduced,

obliged

obliged as they were to ſecure themſelves, through the *favour* of the Company's ſervants, that protection which the moſt faithful adherence to their engagements could not procure them. But in the mind of Mr. Haſtings, this ſtep was ſufficient to excite a rancour, which could not terminate but in the ruin of its object.

The Governor General, whoſe reſentment was not to be ſoftened, wrote a letter to the Rajah, in which he peremptorily demanded the payment of a fine of fifty lacks of rupees, or 500,000l. ſterling, as an atonement for his contumacious diſobedience of orders; and he proceeded himſelf in perſon to enforce this extravagant demand.

The Rajah ſtill retained a hope that he might be able to ſoften the Governor. He therefore, in anſwer, ſent a letter to him on his arrival in the country of Benares, full of the moſt abject ſubmiſſions, ſuch as a ſovereign of Europe would think too abject for the meaneſt ſubject to ſend to his ſovereign; but Mr. Haſtings was pleaſed to think it inſolent and offenſive, and to ſay, that it confirmed him in his reſolution of inflicting the heavieſt puniſhments upon the Rajah. The manner

in

in which he repreſented the letter, in his narrative for the information of the Council, was as follows:—

" This anſwer you will perceive to be not " only unſatisfactory in ſubſtance, but offen- " ſive in ſtile; and leſs a vindication of him- " ſelf, than a recrimination of me. It ex- " preſſes no concern for the cauſes of com- " plaint contained in my letter, or deſire to " atone for them; nor the ſmalleſt intention " to purſue a different line of conduct. An " anſwer, couched nearly *in terms of defiance*, " to requiſitions of ſo ſerious a nature, I could " not but conſider as *a ſtrong indication of that* " *ſpirit of independency* which the Rajah has for " ſome years paſt aſſumed; and of which in- " deed I had early obſerved other manifeſt " ſymptoms, both before, and from the in- " ſtant of my arrival."

If no copy of the Rajah's letter was in exiſtence, this account, or repreſentation of it, might be thought to be true; but fortunately for the character of Cheit Sing, and the purpoſes of juſtice, Mr. Haſtings himſelf had preſerved a copy of it in his narrative; and that their Lordſhips might be able to judge of it themſelves,

ſelves, Mr. Fox ſaid he would read the moſt intereſting paſſages in it.

" With reſpect to the horſe, you deſired " me in your letter to inform you of the " number I could afford to ſtation with you. " I ſent you a particular account of all that " were in my ſervice, amounting to one thou- " ſand three hundred horſe, of which ſeveral " were ſtationed at diſtant places; but I re- " ceived no anſwer to this. Mr. Markham " delivered me an order to prepare a thou- " ſand horſe. In compliance with your wiſhes, " I collected 500, and as a ſubſtitute for the " remainder, 500 burkundaſſes; of which I " ſent you information. I told Mr. Markham " that they were ready to go to whatever " place they ſhould be ſent. No anſwer, " however, came from you on this head, and " I remained aſtoniſhed at the cauſe of it. " Repeatedly I aſked Mr. Markham about an " anſwer to my letter about the horſe; but he " told me that he did not know the reaſon " of no anſwer being ſent. I remained aſto- " niſhed."

" My enemies, with a view to my ruin, " have made falſe repreſentations to you. Now " that, *happily for me*, you have yourſelf ar-

" rived at this place, you will be able to aſ-
" certain all the circumſtances; firſt, relative
" to the horſe; ſecondly, to my people going
" to Calcutta; and thirdly, the dates of the
" receipts of the particular ſums above men-
" tioned. You will then know whether I have
" amuſed you with a falſe repreſentation, or
" made a juſt report to you.—I have never
" ſwerved in the ſmalleſt degree from my duty
" to you. It remains with you to decide on
" all theſe letters. *I am in every caſe your*
" SLAVE. What is juſt, I have repreſented to
" you. *May your proſperity increaſe!*"

Such was the letter of *defiance* ſent by the Rajah! If it could be in any degree thought *offenſive* in ſtile, it was becauſe the ſubmiſſion expreſſed in it degraded the dignity of man, by being too abject; and in the firſt moment of indignation againſt the Rajah for having ſo far forgot the dignity of rank and of his nature, their Lordſhips might think that for having written ſo abject a letter, he deſerved to be driven out of his dominions. But ſurely it was in no other reſpect *offenſive*; yet Mr. Haſtings declared, that it ſhowed the growing ſpirit of Independence—that it was a recrimination rather than a defence—and that it breathed the

language

language of *defiance*. I know not, ſaid Mr. Fox, in what tones or language their *defiance* is announced in *India*; but if this be a *defiance*, I would merely, in the ſpirit of literary curioſity, wiſh to know, in what terms an *Indian* would declare his *ſubmiſſion*.

The Governor General, though bound by the eſſential principles of natural juſtice, to attend to the claim made by the Rajah, to a fair and impartial trial and enquiry into the matter of accuſation brought againſt him, at a time and in a place which furniſhed all proper materials, and the preſence of all neceſſary witneſſes, inſtead of inſtituting ſuch enquiry, and granting a trial, received an humble requeſt for juſtice, from a great Prince, as a freſh offence, and as a perſonal inſult to himſelf; and at ten o'clock, on the very night on which he received this ſubmiſſive letter, he gave orders to the Britiſh Reſident at the Rajah's Court, to arreſt the Prince the next morning in his palace, and to confine him there till further orders. This command was executed without any reſiſtance on the part of the Rajah, and he was kept in arreſt under the guard of thirty Sepoys with drawn ſwords.

It was not neceſſary to recur to Indian manners and cuſtoms to feel the force of ſuch an inſult. The firſt ſubject of the Britiſh empire in India, who paid a tribute of 230,000l. a year, and ruling over two millions of ſubjects, impriſoned in his own palace under an armed guard, afforded an inſtance of degradation ſuch as India had not ſeen before. The aſtoniſhment of his ſubjects at ſuch a ſight, could only be increaſed by being told, that he was thus diſgraced, and condemned to pay a fine of 500,000l. ſterling, becauſe he had been guilty of the enormous crimes of having made good his payments of ſums, illegally demanded of him, within three months of the day on which they were demanded; and of having requeſted that 500 matchlock-men might be accepted in the room of the ſame number of cavalry.

For ſuch horrid crimes the Rajah was confined in his own capital; and was finally expelled his dominions, on his not being able or willing to pay a fine ſo ſhamefully diſproportionate to the crimes, even if they were crimes, of which he was accuſed. Thus was a Sovereign Prince degraded and made a wanderer over the world, under the pretence of his having

ing been guilty of imaginary crimes; but in reality, becauſe he had had the misfortune to offend Mr. Haſtings: for that was the fact.

Mr. Fox obſerved, that Mr. Haſtings had been compared to Alexander the Great, by ſome perſon high in rank in this kingdom; (and high indeed he muſt be who diſputed precedency with the Princes of the Blood.) But if that conqueror could be ſaid to be in any degree, or at any time, a model from which Mr. Haſtings had copied, it muſt have been at that diſgraceful moment of his life, when puffed up with his own exploits, he thought himſelf the ſon of Jupiter; it was, when drunk and mad after a debauch, he had fired and reduced Perſepolis to aſhes. Mr. Haſtings, in the moment when he was drunk with power, confined a great Prince, (even according to Mr. Haſtings) the firſt ſubject of the Eaſt India Company, who paid a tribute of 230,000l. a year to the Company; drove him from his extenſive territories, and made him a vagabond upon the face of the earth.

The lives, as well of natives as of Britiſh, that were loſt upon this occaſion, ſhould be demanded of Mr. Haſtings; he was reſponſible for the conflict in which they were loſt.

If

If the Rajah had, to the knowledge of Mr. Haſtings, been a long time meditating rebellion, the Governor General ought to have gone to Benares, not with a few attendants, but at the head of a ſufficient military force to reduce him to obedience. If the Rajah did not meditate rebellion, the Governor General was accountable for all the conſequences and exceſſes to which he drove the ſubjects of that Prince, by ignominiouſly and unjuſtly impriſoning their ſovereign.

On the diſproportion between the crimes, ſuppoſing them real, and the puniſhment that followed them, Mr. Fox dwelt with much diffuſeneſs, yet with infinite force. It had been reported, he ſaid, of a great man in England, that he had been heard to ſay, that he would make the finger of the King be felt heavier than the loins of the law. In Cheit Sing's caſe this was reverſed; and the enormous fine of HALF A MILLION ſterling, ſhewed that the finger of Mr. Haſtings's law, was heavier than the whole body of the King's power. If ſuch was the juſtice that this unfortunate Prince experienced from the repreſentative of the mild Britiſh Government in India, he might well lament that the ſovereignty of Benares had been

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transferred from a native Prince to an alien deſpot; he might well wiſh to exchange Britiſh protection for the barbarity of Tartar government, and be ſure of not loſing by the change.

This unhappy Prince had been expelled his territories, under colour of a power reſerved in the treaty between him and the Company, by virtue of which the latter had a right to fine him at will. But he himſelf had never dreamt that the power reſerved by the Company, of impoſing a fine upon him in caſe he ſhould abuſe the authority of the *mint*, which he held as a favour from the Company, ſhould be conſtrued to extend to a right to deprive him of his principality, which he held not as a favour, but as property, for which he had given a valuable conſideration.

Well might this much injured Prince, if preſent before the Houſe to call for juſtice upon the man who had ruined him, exclaim—"I was the ſovereign of a fertile country, "happy and beloved. I endeavoured to con-"ciliate the friendſhip of all around me, and, "as I thought, with a ſucceſs which impreſ-"ſed me with every ſenſation of felicity;— "this was the ſituation of which I boaſted; "but what is now my ſituation?—The re-

"verſe!

" verſe! I am a wretched exile, dependent " on the bounty of thoſe who were my ene- " mies, but whoſe enmities are now buried in " their ſympathy for my diſtreſſes. What " have I done to deſerve this puniſhment?" Should an Engliſhman ſay to him,—" The " Company reſerved to itſelf, under ſome words " in the treaty, a right, which the laws of " England recognize and avow, of ſtripping " you of your terriritories." Might he not with great force reply,—" Alas! I underſtood " not your laws; I had only plain ſenſe to " guide me;—I ſaw no ſuch power in the " treaty. You ſhould have lent me the aſſiſt- " ance of ſome one verſed in your laws; and " not have taken advantage of my ignorance; " and driven me from my dominions, without " giving yourſelves the trouble of enquiring " whether I was guilty of the crimes you im- " puted to me."

Mr. Fox concluded a ſpeech of great length, by obſerving to their Lordſhips, that the eyes of all Europe were now upon them. They muſt now be either the avengers of the wrongs done by Mr. Haſtings, or the accomplices of his crimes. Spain was once the horror of all Europe, becauſe ſhe ſuffered her Governors and

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Commanders to plunder and murder the Indians with impunity. England, by following the example of Spain, would become equally the horror of Europe. What made the world principally deſpiſe Spain was, that it was thought the precious metals extorted from the helpleſs Indians in America, had been applied in ſuch a manner as to procure to the plunderers of theſe unhappy people, the countenance and protection they looked for. He warned their Lordſhips how they gave room to the ſurrounding nations to form a ſimilar opinion of them in this buſineſs; an opinion that would be ſo injurious to their unſullied honour.

He could not, however, entertain an idea that they would acquit the Priſoner; but if they ſhould, the COMMONS OF ENGLAND would have the ſatisfaction of thinking that they had done their duty. The crimes which were imputed to the Priſoner could not now be called the crimes of the people of England, who had raiſed their voice againſt them, and called for puniſhment upon the perpetrators of them. They were the crimes of WARREN HASTINGS alone; and he truſted his alone they would remain.

Mr. Fox ſpoke for four hours and a half, and concluded his ſpeech about ten minutes after five o'clock, when their Lordſhips adjourned to Monday.

MONDAY, FEBRUARY 25.

A little before twelve o'clock the Lords took their ſeats; and the Serjeant at Arms having made the uſual proclamations for ſilence, and for Mr. Haſtings to come into Court,

Mr. *Grey*, one of the Committee of Managers, took up the Charge relative to Cheit Sing, where Mr. Fox had left it off on Friday. He obſerved, that the Priſoner had repreſented that Rajah as a mere ordinary Zemindary, or Land-holder; and had vindicated his conduct towards him as ſuch, upon various principles and ſuppoſitions, which the Commons would prove, from reaſon and evidence, to be utterly falſe or ill-founded.

That Cheit Sing was not a mere Zemindar, in the opinion even of Mr. Haſtings himſelf, before that unfortunate Rajah had incurred his diſpleaſure, appeared clearly from two inſtances, in which the Governor General oppoſed the proviſions of a treaty, to the arbitrary demands made upon Cheit Sing, by the Nabobs,

bobs, before the ſovereignty of Benares had been ceded to the Company. In one inſtance, Sujah ul Dowlah called upon the Rajah for an extraordinary ſubſidy of *ten lacks of rupees*; in the other, Aſoph ul Dowlah aſked only that he would pay *in advance* five lacks of the ordinary tribute. Mr. Haſtings and the Council interpoſed, and ſaid, by the Treaty of Illiabad, the Rajah was bound to nothing that was not ſpecified in that treaty;—that the Company was pledged to the maintenance of it, and therefore could not ſuffer any exaction to be made that was contrary to it.

And yet, upon both of the occaſions on which thoſe demands were made upon Cheit Sing, the ſame might be urged in ſupport of them, which Mr. Haſtings had ſince uſed in defence of his own conduct towards the Rajah—the plea of *ſtate neceſſity*; but more particularly the former of the two demands might have been ſupported by that plea; for the Nabob was actually engaged in a war with the Mharattas, and was upon the point of commencing hoſtilities againſt the Rohillas, with a view of extirpating that nation. But though Mr. Haſtings lent his countenance, and the Company's troops, to the Nabob, to carry that infamous

project into execution, ſtill he would not ſuffer him to make Cheit Sing contribute any thing towards it, which he was not bound by the treaty to furniſh.

From the conduct of Mr. Haſtings on this occaſion, it was manifeſt that he did not conſider the Rajah in the light of a mere Zemindar, from whom his Lord could exact at pleaſure whatever ſum he pleaſed, even when the neceſſities of the ſtate required that the Sovereign ſhould call forth all its reſources. On the contrary, it appeared that Mr. Haſtings conſidered him as a perſon having chartered rights, that were too ſacred to be invaded at any time, or on any occaſion; and was of opinion, that the Company, by whom thoſe rights were guarantied, could not in honour ſuffer them to be violated. If it was the law of India that a ſuperior Lord could take from every one who derived under him, whatever he pleaſed, Mr. Haſtings acted contrary to that law, in preventing Sujah Dowlah from exerciſing a prerogative legally veſted in him; for the Rajah acknowledged that Prince to be his ſuperior Lord. —If in *preſſing neceſſities* of the ſtate, the Prince was allowed the power over the purſe of his vaſſal, which on ordinary occaſions the law would

would not ſuffer him to exerciſe, then had Sujah ul Dowlah a right to call upon Cheit Sing for an extraordinary aid; for the Rajah owned that Prince for his ſuperior Lord, and the State was actually at war with the powerful empire of the Mharattas, and at the eve of another war with the nation of the Rohillas. In this caſe, therefore, the interference between a Lord and his vaſſal, would have been criminal in Mr. Haſtings, if he thought Cheit Sing was a mere Zemindar. His conduct, therefore, could be warranted only upon this ground —that the Rajah had given a valuable conſideration for the dominion he held over the Province of Benares, and its dependencies; that this dominion was ſecured to him by a treaty, for the due obſervance of which, the honour of the Eaſt India Company ſtood pledged. In this light, the conduct of Mr. Haſtings appeared fair and proper, and founded upon principles of juſtice and good faith. But as the Governor General was a man whom no juſt principle could bind for any conſiderable length of time, their Lordſhips muſt not be ſurpriſed, if in the courſe of his (Mr. Grey's) ſpeech, they ſhould find it proved that Mr. Haſtings could, as his paſſions or his intereſt

tereſt ſwayed him, paſs from one extreme to another, in point of opinion, without taking the ſmalleſt pains to preſerve even the appearance of conſiſtency in his conduct.

After the Nabob had ceded the paramount ſovereignty of Benares to the Company, and Cheit Sing had, in conſequence of the ceſſion, become its vaſſal or tributary, Mr. Haſtings was pleaſed to renounce his old, and take up a new opinion. The plea of *ſtate neceſſity*, which he had pronounced to be inadmiſſible, when it was urged by the Nabob, was extremely well founded, when it was uſed by the Governor-General: the treaty, backed by Mr. Haſtings, had ſupported Cheit Sing againſt the Nabob; but it was but a cobweb when oppoſed by the Governor General, who acknowledged no rights but ſuch as he himſelf was pleaſed to allow. This appeared in as much as he made a demand ſimilar to that of the Nabob, and upon the ſame ground, the approach of a war; without bluſhing at the glaring inconſiſtency of his own conduct. This demand he had ſupported upon *legal* principles; and ſaid that it naturally grew out of the doctrine of *feudal tenures*, to which it was ſtrictly conformable. But here that doctrine would apply only to overturn the

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cauſe it was adduced to ſupport. For, by the *feudal law*, the vaſſal was not expoſed to the arbitrary exactions of his Lord; for the lands that he poſſeſſed he paid, in time of peace, a *certain* and *fixed* rent; and in time of war, he was bound, when called upon, to accompany his Lord to the field. There were alſo ſome extraordinary occaſions on which he was bound to extraordinary contributions; but theſe occaſions did not depend upon the whim of the Lord; nor were the contributions arbitrary;—they were fixed and certain. Theſe occaſions were, the captivity of the King, the marriage of his eldeſt daughter, and the knighting of his eldeſt ſon. Towards ranſoming the King when a captive, portioning his daughter, and the expence of knighting his eldeſt ſon, the vaſſals were obliged to contribute in a rated proportion, over and above their ordinary rents and ſervices; but, except on theſe three occaſions, the Lord could not, by the feudal law, call upon his vaſſals for any thing which was not particularly ſpecified in the grant by which they held their lands. The argument, therefore, which Mr. Haſtings drew from the nature of feudal tenures, muſt neceſſarily fail him.

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The plea of ſtate neceſſity ſerved him juſt as little; for there was no ground for calling upon the great vaſſals of the Company for extraordinary aids, at the time when he made a demand of Cheit Sing for *five lacks* over and above his annual tribute. The Company was indeed on the eve of war; but its finances were in the beſt order; and in their treaſury at Calcutta there was, according to an account made out by Mr. Haſtings himſelf, a *ſurplus* of TWO MILLIONS ſterling.—But if there had been a *deficiency*, inſtead of a *ſurplus*, and the neceſſities of the ſtate called for an extraordinary aid, it ought to be levied upon ALL the vaſſals in general, according to the proportion of their ordinary contributions to Government; for neither law nor reaſon would endure that any individual, however great or opulent, ſhould be ſingled out, and made to bear the burthens of the ſtate, while all others were exempt from them. The conquerors Tamerlane and Genghis Khan, in the height of their proſperity and inſolence, had never ventured to lay down ſo odious, partial, and conſequently unjuſt, a ſyſtem of legiſlation. But what theſe conquerors had never dared to do, Mr. Haſtings was bold enough to attempt, ſhewing himſelf above all reſtraints

reſtraints of honour, of reaſon, of law, and of juſtice; for, in defiance of them, and of the ſacred faith of treaties, he exacted from Cheit Sing, what that prince was not bound to pay; and from him *alone*, of all the Company's vaſſals, he called for a great and extraordinary aid, at a time when he had not ſo much as the diſtreſſes of the ſtate to plead, in defence of ſo unreaſonable a demand.

But the defence drawn from *ſtate neceſſity*, and from the nature of feudal tenures, was not the only one that Mr. Haſtings had ſet up—He had repreſented Cheit Sing as a *delinquent*; and his proceedings againſt that unfortunate Prince, as the conſequences of his *crimes*.

Mr. *Grey* ſaid, he would enquire fairly into the nature of thoſe crimes that were imputed to the Rajah.—One of them was, that the delay of Chiet Sing, in paying the extraordinary aid of five lacks, demanded by the Governor General, had like to have occaſioned the ruin of the little army under the command of Major Camac, for the payment of which this money was intended.—To this charge of criminality the Rajah had replied, that if the remittance of the money to Major Camac, had been left to him, (the Rajah) he would have taken care

to remit it punctually, and in due time, to that officer: but another perſon had been charged with that buſineſs, for whoſe neglect the Rajah could not in reaſon be reſponſible.—The truth was, that the Governor General had directed him to pay the money to the Company's Reſident at Benares; to him Cheit Sing did actually pay it; and if it was not ſent to the army under Major Camac, it was no fault of the Rajah's.

If the money had been paid at *Patna*, inſtead of *Benares*, it was admitted that Cheit Sing would not have been reſponſible for the danger to which Major Camac's forces were expoſed for want of their pay. Why, then, was it not ſent to Patna by the Rajah?—For the very beſt reaſon—becauſe the Governor General had tranſmitted to him the moſt peremptory order, to pay the money at Benares, as appeared from the following extract of a letter from Mr. Haſtings to Cheit Sing, dated the 28th of Auguſt, 1779—"I now repeat my demand, "that you do, on the receipt of this, without "evaſion or delay, pay the five lacks of rupees "into the hands of Mr. Thomas Graham, "who has orders to receive it from you; and "in caſe of your refuſal, to ſummon the two

"bat-

" batallions under the command of Major " Camac, to Benares, that meaſures may be " taken to oblige you to a compliance: and " in this caſe the whole expence of the corps, " from the time of its march, will fall on " you."

Mr. Haſtings, therefore, and not the Rajah, was reſponſible for the danger to which Major Camac was expoſed, of a mutiny among his troops, for the want of their pay.

Another of the pretended crimes alledged againſt Cheit Sing, was, that no police was maintained in his country: that robberies and murders were daily committed with impunity; and that there was no ſecurity for the lives and properties of the inhabitants. This was indeed a heavy charge; and the Rajah would have been a great delinquent, if there was any truth in it; but fortunately for the character of Cheit Sing, it was a ſhameful calumny from beginning to end: for ſo far was the province of Benares from being a ſcene of confuſion, of robbery, and of murder, without law, and without any adminiſtration of juſtice, that it was at that very time the beſt regulated government in all India. Juſtice was regularly adminiſtered; the plains were in high cultiva-

tion, and the villages full of inhabitants: the city of Benares was the reſort of the merchants from all parts of Indoſtan, who had choſen it for their reſidence, on account of the great ſecurity which they found in it for their perſons and their property; peace was in all the land; the traveller might lie down with his goods, and ſleep in perfect ſafety, and the whole country was a terreſtrial paradiſe; in a word, its police, its agriculture, and its adminiſtration of juſtice, could not be matched in India.

Mr. Haſtings himſelf had more than once given the moſt favourable repreſentation of the country and its government, even while under Cheit Sing, whom the Governor General was pleaſed to repreſent as ſhamefully remiſs in the adminiſtration of juſtice. Writing to the Court of Directors, the 21ſt of November 1781, after the expulſion of Cheit Sing, Mr. Haſtings ſaid of the capital of Benares, it, "is highly revered by the natives of the "Hindû perſuaſion; ſo that many who have "acquired independent fortunes, retire to "cloſe their days in a place ſo eminently diſ-"tinguiſhed for its ſanctity. It may be con-"ſidered rather as the ſeat of the Hindû reli-

"gion

" gion, than as the capital of a province;
" but as its inhabitants are not compoſed of
" Hindûs only, the *former* wealth which flow-
" ed into it from the offerings of pilgrims,
" as well as from the tranſactions of ex-
" change, for which its central ſituation
" is adapted, has attracted numbers of
" Mahomedans, who ſtill continue to reſide
" in it with their families."

After having read this paſſage, Mr. Grey aſked, if it was likely that men of large property would make choice for their reſidence, of a place where there was no government, and where they could find no ſecurity for their proper y; no protection from inſult and murder? Or that they would repair with their fortunes from the moſt diſtant parts of India, to Benares, if they had not the inducement of a well regulated government, ever watchful to protect the lives and property of the inhabitants; to make them quit their connections and places of their nativity, to dwell in a city which ſtood ſo powerfully protected by the ſanctity of its religion, and the wiſe adminiſtration that kept the whole country round it in peaceand good order; that though it contained

immenſe

menſe wealth collected from every quarter, it was unfortified and open on all ſides.

Nay, it was unqueſtionable, that it muſt have been a moſt deſirable reſidence, or the *Mahomedans*, who are ſo attached to their own religion, would never ſettle, from *choice*, in a city which was the principal ſeat of the Hindû religion, which the diſciples of Mahomet treat with contempt, as ſuperſtitious, abſurd, and ridiculous. Mr. Grey ſaid he would admit that Benares had ceaſed to be what it had been; but, that it was not till after Cheit Sing had been expelled the country, and its government unhinged, that its police became relaxed. So that he might contend that the relaxation of the police and government in the province of Benares, with which the Rajah was charged, might with more truth and juſtice be aſcribed to Mr. Haſtings himſelf, who had overturned an adminiſtration, which for its wiſdom and integrity, and the protection it held out to all who were under it, had not its equal in Aſia, or perhaps in the world.

The third Charge brought againſt the Rajah was, that inſtead of 1000 horſe, (which by the bye had been illegally demanded) he had offered 500, and as many matchlock-men. But

Mr.

Mr. Haſtings had never attempted to aſcertain, by any enquiry or trial, whether it was in the Rajah's power to ſend 1000 horſe; he had declared that he had no more than 1300 in all his territory; that he could not conveniently collect or ſpare the *whole*; but that he would inſtantly collect 500, and add to them 500 matchlock-men, and march them to whatever place they ſhould be ordered by the Governor General. But Mr. Haſtings inſiſted that this was only an evaſion on the part of Cheit Sing. The latter, in the moſt reſpectful and ſubmiſſive language, aſſured him that it was not; and in order that it might be fairly decided whether it was or was not, he requeſted, that while the Governor General was on the ſpot, he would inſtitute an enquiry on the ſubject. This was a line of conduct which reaſon and juſtice marked out; but it was therefore not the line that Mr. Haſtings, who was under the influence only of paſſion and reſentment, could poſſibly be induced to purſue.

There was another charge brought againſt Cheit Sing, and to that Mr. Grey ſaid, he believed he muſt plead guilty; and in the eyes of rapacious men, the crime on which this charge was founded, was the moſt unpardonable.—

The Rajah was accuſed of being very rich, and of having added great wealth to a very rich inheritance left to him by his father. This, it ſeemed, was a heinous crime in Cheit Sing; and the Governor General could not forgive him, till he ſhould, by every act of cruelty, injuſtice, and oppreſſion, have ſtript him of that wealth to which the Company, and its ſervants, had no right; which, on the contrary, they were bound to ſecure to its then poſſeſſor.

The Governor General, full of indignation againſt Cheit Sing, on account of all theſe *enormous* crimes, ſet out for Benares, for the purpoſe of puniſhing the Rajah. Well might that Prince have trembled at the approach of a man, whoſe footſteps, it had been juſtly obſerved, had ever been marked with cruelty; for he never left Calcutta, that his progreſs did not terminate in the devaſtation of a province, the deſtruction of a people, or the expulſion of a Prince from his dominions. Mr. Haſtings proceeded to Benares. The Rajah, on his arrival, received a thundering letter from him, ſtating the charges againſt him, and requiring an immediate anſwer. Cheit Sing did, on the very day he received the letter, return an anſwer, in which, with all due humility, he defended

fended himſelf, and maintained his innocence; and offered to enter into an immediate trial of the points in iſſue, between him and the Governor General, in the following remarkable words:—

"My enemies, with a view to my ruin, "have made falſe repreſentations to you. Now "that, *happily for me*, you have yourſelf ar- "rived at this place, you will be able to aſ- "certain all the circumſtances; firſt, relative "to the horſe; ſecondly, to my people going "to Calcutta; and thirdly, the dates of the "receipts of the particular ſums above men- "tioned. You will then know whether I have "amuſed you with a falſe repreſentation, or "made a juſt report to you.—I have never "ſwerved in the ſmalleſt degree from my duty "to you. It remains with you to decide on "all theſe matters. *I am in every caſe your* "SLAVE. What is juſt, I have repreſented to "you. *May your proſperity increaſe!*"

This letter, Mr. Haſtings informed the Court of Directors, was couched in terms of *defiance*; he conſidered it as a *ſtrong indication of that ſpirit of* INDEPENDENCE, which, he ſaid, the Rajah had for ſome years paſt aſſumed: this letter, he ſaid, was not only unſatisfactory in ſub-

ſtance, but *offenſive in ſtile.* Happily, obſerved Mr. Grey, the letter itſelf was in exiſtence; and their Lordſhips could judge of it by reading it themſelves, without truſting to the groſs and infamous miſrepreſentations given of it by Mr. Haſtings, for the purpoſe of making out a colourable pretence for the cruel treatment which he was preparing for the Rajah. Firſt, he forbade that unfortunate Prince his preſence, with an air of ſuperiority which ill became him; for Mr. Haſtings, however vain he might be to liken himſelf to a great king, was not the equal of a great prince, who ruled over near *two millions* of ſubjects. This affront put upon the Rajah was the more mortifying to him, as in India it is looked upon to be an indeliable diſgrace to be forbid the preſence of a great perſonage. But this was not enough to gratify the implacable reſentment of a mercileſs tyrant; he cauſed the Prince to be put under an arreſt in his own palace.

Mr. Grey obſerved, that the *crimes*, ſuch as they were, which he had already ſtated, were all that were imputed to the Rajah by the Governor General, before the latter arrived at Benares; but ſoon after he diſcovered, as he ſaid, that Cheit Sing had been meditating a revolt,

and

and preparing to throw off his dependance upon the Company: the ſequel would ſhew whether there was any foundation for ſuch a charge. Mr. Grey ſaid that the contrary would appear moſt clearly, both from the conduct of the Rajah himſelf, and that of his people, until the latter were driven to madneſs by the indignities which they ſaw heaped upon the perſon of a Sovereign whom they loved and revered.

When the Rajah was arreſted, he never attempted to break from his guard, or called upon his ſubjects to free him from a diſgraceful captivity. On the contrary, he ſubmitted to it quietly, and exhorted his ſubjects to keep within the bounds of moderation and good order; and to the Governor General he made ſubmiſſions ſufficient to ſoften any one but the inexorable and implacable tyrant, by whoſe command he was thus degraded. Theſe aſſertions Mr. Grey ſupported by the following letter (which he read) from the Reſident at the Court of Cheit Sing:

" Honourable Sir,

" I this morning, in obedience to your or-
" ders of laſt night, proceeded with a few of

" my orderlies, accompanied by Lieutenant
" Stalker, to Shewalla Ghaut, the preſent re-
" ſidence of Rajah Cheit Sing, and acquainted
" him it was your pleaſure he ſhould conſider
" himſelf in arreſt; that he ſhould order his
" people to behave in a quiet and orderly
" manner, for that any attempt *to reſcue him,*
" *would be attended with his own deſtruction.* THE
" RAJAH SUBMITTED QUIETLY TO THE AR-
" REST, and aſſured me, that *whatever were*
" *your orders,* he was ready *implicitly to obey.*
" He hoped that you would allow him a *ſub-*
" *ſiſtence*; but as for *his Zemindary, his forts,*
" *and his treaſure, he was ready to lay them at*
" *your feet, and his life, if required.* He ex-
" preſſed himſelf much hurt at the ignominy
" which he affirmed muſt be the conſequence
" of his confinement; and entreated me to
" return to you with the foregoing ſubmiſ-
" ſion, hoping that you would make allow-
" ances for his youth and inexperience, and
" in conſideration of his father's name, releaſe
" him from his confinement, as ſoon as he
" ſhould prove the ſincerity of his offers, and
" himſelf deſerving of your compaſſion and
" forgiveneſs."

If

If the reſentment of Mr. Haſtings was like that of any other man, ſurely, ſaid Mr. Grey, ſuch ſubmiſſions from a Prince ſo fallen, would have ſoftened and extinguiſhed: but his enmities were eternal; and it was as little in his nature to forgive, as to be juſt.—If his object in going to Benares was to levy a fine upon the Rajah, and enrich the Company's treaſury with the ſpoil of Cheit Sing; if he thought this unfortunate Prince was inclined to rebellion, this ſure was the moment to ſecure an immenſe ſum for the public, and totally fruſtrate the rebellious intentions of the Rajah, if any ſuch intentions did really exiſt. Cheit Sing offered as the price of his liberty, to ſurrender his treaſures and his forts without a ſiege, without bloodſhed, without any other condition than a ſtipulation for his liberty and ſubſiſtence. The loſs of all his treaſures and his ſtrong holds would have diſarmed Cheit Sing, and rendered his hoſtile diſpoſition to the Company completely impotent. The acquiſition of them to the Company would, on the other hand, not only ſecure the tranquility of Benares, but afford a very great ſupply towards carrying on the extenſive war in which the Company was at that time engaged.

But

But it was not the peace of Benares, the ends of juſtice, or the public good, that Mr. Haſtings had in view; for all theſe would have prompted him immediately to cloſe with Cheit Sing, and accept an offer full of as complete advantages as the moſt ſucceſsful war could have procured him. But he was ſolely intent upon ruining a man, who had ſhewn a forwardneſs to congratulate Sir John Clavering, in conſequence of a rumour that the General had been appointed to ſuperſede Mr. Haſtings in the government of Bengal. This was a ſin of ſins in the eyes of an implacable tyrant, who could not forgive it either in this world, or in the world to come.

Such being the diſpoſition of Mr. Haſtings, Mr. Grey ſaid, their Lordſhips would be the leſs ſurpriſed that not only he did not accept an offer, which any man acting ſolely for the public good, would have readily embraced, but that, on the contrary, he iſſued a further order, that every ſervant of the Rajah's ſhould be diſarmed, and a certain number only left to attend him, under a ſtrict watch. In a quarter of an hour after, two Companies of Grenadier Sepoys were ſent to the Rajah's palace; and that unfortunate Prince, diſ-

mayed

mayed at this unexpected outrage, wrote two ſhort letters, or petitions, to Mr. Haſtings, under the greateſt apparent dejection at the diſhonour he had ſuffered in the eyes of his ſubjects; all impriſonment of perſons of rank being held in that country, as a prelude to the taking away his life. The firſt of theſe petitions was couched in theſe terms:—"Whatever may be your pleaſure, do it with "your own hands; *I am your ſlave!*—What "occaſion can there be for a guard!" In the ſecond he made uſe of theſe expreſſions: "My honour was beſtowed upon me by "your Highneſs. It depends on you alone, "to take away, or not to take away the "country out of my hands. In caſe my "honour is not left to me, how ſhall I be "equal to the buſineſs of the government? "Whoever, with his hands in a ſupplicating "poſture, is ready with his life and property, "what neceſſity can there be for him to be "dealt with in this way?"

But all the ſupplications and ſubmiſſions of Cheit Sing were in vain: all the effect they produced was a ſhort note from Mr. Haſtings, careleſsly and haughtily expreſſed, and little calculated

calculated to relieve him from his uneaſineſs.

In the mean time, the report of the Rajah's arreſt cauſed a great alarm in the city, and in the adjacent country. The people, filled with diſmay at the outrage and indignity offered to a Prince, under whoſe government they enjoyed much eaſe and happineſs, flocked about the palace where he was confined. Under theſe circumſtances, the Rajah deſired leave to perform his accuſtomed religious ablutions; which was refuſed him, unleſs he would ſend for water, and perform that ceremony on the ſpot. This he did. And ſoon after, ſome of the people, attempting to force their way into the palace, a Britiſh Officer, commanding the guard upon the Rajah, ſtruck one of them with his ſword. The people grew more and more irritated; but a meſſage being ſent from their Prince to appeaſe them, they continued, on this interpoſition, for a while quiet. Then the Rajah retired to a ſort of ſtone pavilion, or baſtion, to perform his devotions, the guard of Sepoys attending him in this act of religion.

In the mean time, a perſon of the meaneſt ſtation, a Chubdar, or *tipſtaff*, a low baſe

wretch, whom Cheit Sing had once cauſed to undergo an ignominious puniſhment on account of his crimes, was ſent to carry a meſſage to him from Mr. Haſtings, or the Engliſh Reſident. This vile wretch, ſeeing the Prince a priſoner, availed himſelf of the opportunity he had to revenge himſelf, by reviling a fallen Sovereign, and treating him with the moſt marked indignities.

The Hindûs, Mr. Grey ſaid, were by nature the moſt peaceable and patient generation upon earth. But there was, he ſaid, a point beyond which patience could not be ſtretched, and at which the moſt forbearing, would feel themſelves rouſed to reſiſtance. To that point the Chubdar's behaviour hurried the patience of the ſurrounding people, and there they loſt it. They were witneſſes to this unworthy treatment, which exaſperated them the more, as the Prince was at his devotions. There was only a ſtone lattice between them and their inſulted Sovereign: a firing immediately took place from without; the Rajah interpoſed and endeavoured to appeaſe the tumult: but an Engliſh Officer having ſtruck him with his ſword, and wounded him in the hand, the multitude no longer obſerved any mea-

ſures, but broke into the palace, and the firſt ſacrifice they made to their fury was the vile Chubdar. The ſcene that followed was truly ſhocking; the Hindûs fell upon the Sepoys and Engliſh Officers that guarded Cheit Sing, and cut them all, or nearly all, to pieces. A detachment that had been ſent to their relief, arrived in time only to ſee their companions expire. Cheit Sing, in the confuſion, made his eſcape; but ſo little had he thought of eſcaping before the moment when he did actually eſcape, and ſo little was he prepared for it, that when he got to the ſide of the river which he wanted to paſs, it was by the muſlin of his own turban, that he was let down the ſteep banks of the river into the boat which carried him over.

Even at that time, Cheit Sing had ſo little intention of rebelling, or withſtanding the will or orders of the Company, that, on the very day of his eſcape, he ſent a letter to Mr. Haſtings, declaring his innocence in the late melancholy affair, and offering to ſubmit, and make his peace, even at the ſacrifice of all his wealth: but Mr. Haſtings was implacable; nothing ſhort of the total and complete ruin of Cheit Sing could ſatisfy him, or atone for

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the inſult offered to his perſon and dignity, by the meſſage which the unfortunate Rajah had ſent to Sir John Clavering, (on a rumour of the reſignation of Mr. Haſtings) to congratulate him on his acceſſion to the Government of Bengal. He therefore would not treat with Cheit Sing, or return any anſwer to his letter. The meſſenger who delivered it having preſſed for an anſwer to his letter, Mr. Haſtings deſired he might be told it *required none.*

The Rajah, not diſcouraged or provoked by this treatment, ſued again the very next day for peace and reconciliation. He made his application through the interpoſition of Mr. Richard Johnſon, and alſo through Cantu Babu, the native Steward, and confidential Agent of the Governor General: he offered to "exculpate himſelf from any concern in "what had paſſed, and to profeſs his obe-"dience to his (the Governor General's) *will*, "in *whatever* way he ſhould dictate." But Mr. Haſtings, inſtead of availing himſelf of ſuch an opening, and dictating the terms of the Rajah's ſubmiſſion, which he might have done, reſolved to fly from Benares, and did actually fly from it in great confuſion. The ſafety of the province, the lives that muſt be

loſt in a war, and an unneceſſary war, weighed nothing with Mr. Haſtings. Cheit Sing muſt be ruined; let the conſequences to the public be what they might. The Governor General therefore perſevered in his reſolution not to liſten to any ſubmiſſion, or offer of accommodation whatever, though ſeveral were afterwards made, through almoſt every perſon who might be ſuppoſed to have any influence with him; on the contrary, he determined to put the fate of the public to the riſk, ſooner than he would give up his reſentment, and ſtop ſhort of the ruin of the man who had the misfortune to be the object of it.

Such conduct would be highly criminal in any man, but ſtill more ſo in Mr. Haſtings; for, in his own opinion, the ſafety of the Britiſh Empire in India, was intimately connected with the ſafety of *his* perſon, as he deſcribed very emphatically in his narrative, in which he aſſerted, that "it ought not to "be thought he attributed too much con-"ſequence to his perſonal ſafety, when he "ſuppoſed *the fate of the Britiſh Empire in In-"dia connected with it*; and that mean as its "ſubſtance may be, its accidental qualities "were equivalent to thoſe, which like the

"characters

" characters of a Taliſman in the Arabian " Mythology, formed the *eſſence* of the ſtate " itſelf; repreſentation, title, and the *eſtimate* " of the public opinion. That had he fallen, " ſuch a ſtroke would be univerſally conſi- " dered as deciſive of the national fate; every " ſtate round it would have ſtarted into arms " againſt it; and *every ſubject of its own domi-* " *nion would, according to their ſeveral abilities,* " have become its enemy."

He ſtated alſo, in his narrative—" that half " the province of Oude was in a ſtate of " as complete rebellion as that of Benares; " and that invaſions, tumults, and inſurrec- " tions were occaſioned by the proceedings " in Benares;" yet this man, obſerved Mr. Grey, who thought that upon his ſafety depended that of the Britiſh Empire, had truſted his perſon, unarmed, in the dominions of a Prince, who was meditating rebellion; and who wanted but the favourable opportunity of getting the TALISMAN of the Empire into his hands, by which he could make his rebellion ſucceſsful, and put an end to the exiſtence of a foreign power in India.—If that Prince had not previouſly thought of rebelling, the Governor General, forgetful of his

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own great Taliſmanic quality, provoked him to rebellion, at a time when that rebellion might have been begun by the ſeizing of Mr. Haſtings, who was without any force ſufficient to protect him againſt the indignation of the people of Benares, had the Rajah directed it againſt him: the immediate conſequence of which ſtep, would, in the opinion of the Governor General himſelf, have made all India confederate againſt the Britiſh Empire, and even its own provinces lend their aſſiſtance to pull it down.

But the proſpect of ſuch poſſible miſchiefs was not able to make him renounce his reſolution to ruin Cheit Sing, though in ruining him, he ſhould ruin the Company. The preſſure of a French war, the invaſion of one part of the Empire by one powerful enemy, of another by the formidable forces of the Mharattas, and a rebellion in Oude, nothing could ſhake this infamous reſolution, or induce him to liſten to the offers of Cheit Sing, by which the Company might have been enriched, and a multitude of evils prevented.

Fixed therefore, in his determination, he collected forces from all quarters, attacked the Rajah's forces; and in a ſhort time reduc-

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ed the province. After which he, in cold blood, iſſued an order for burning a town, in which he accuſed the people at large of having killed, "upon what occaſion he knew "not," certain wounded Sepoys, who were priſoners. Natural juſtice would have led a man, who was under the influence of juſtice, to make an enquiry concerning the particular offenders, that innocence and guilt might not be confounded in the puniſhment: but men of cruel diſpoſitions were above making diſcriminations. The orders iſſued by the Governor General, were *general*; and were executed with as much inhumanity, as they were given with cruelty and injuſtice.

Cheit Sing fell not into the tyrant's hands; he eſcaped from his country with his life; but Mr. Haſtings reſolved that as he could not make the unfortunate Rajah feel in his perſon the effects of his vengeance, it ſhould fall upon his innocent family. He ſent an army to beſiege Bidjigur, a fortreſs deemed impregnable, the reſidence of *Pauna*, the mother of Cheit Sing, his wife, and other ſurvivors of the family of his father, Bulwant Sing. Theſe perſons had never been ſo much as accuſed of any crime whatever; and yet they were to be beſieged,

ſieged, becauſe it was generally underſtood that there was a great treaſure in the fort. Whether this treaſure belonged to the Princeſſes, or to Cheit Sing, was not worth an enquiry; it was to be plundered;—that was the will and pleaſure of Mr. Haſtings.

Mr. Grey obſerved, that when Mr. Haſtings went to Benares, the avowed object of his journey, as he himſelf had ſtated it, was to benefit the Company, by the fine which he intended to impoſe upon the refractory Rajah; but when he ſent the troops to beſiege Bidjigur, he loſt ſight entirely of the intereſts of his conſtituents; he gave up the plunder of the treaſures found in that fortreſs to the army, and afterwards was guilty of a breach of faith with the troops, by endeavouring to take from them thoſe very treaſures which he had promiſed them with a view of encouraging them to carry on the ſiege with vigour.

The *Rannee*, or mother of Cheit Sing, offered to capitulate; and aſked, among other terms, that ſhe ſhould be permitted to retire quietly with all her family and attendants, and that none of them ſhould be ſearched or examined on their leaving the fort, or on their way to the place which they had choſen for

their retreat. On this ſubject letters had paſſed between Major Popham, who commanded the army, and Mr. Haſtings; in one of which, dated the 23d of October, 1781, the latter wrote the following lines to the former:—

"I am this inſtant favoured with yours of "yeſterday; mine of the ſame date, (22d of "October, 1781,) has before this time ac- "quainted you with my reſolutions and ſenti- "ments reſpecting the Rannee (the mother of "the Rajah Cheit Sing.) I think every de- "mand ſhe had made to you, except that of "ſafety and reſpect for her perſon, is unrea- "ſonable; if the reports brought to me are "true, *your rejecting her offers, or any negocia- "tions with her*, would ſoon obtain you poſ- "ſeſſion of the fort upon your own terms. "*I apprehend that ſhe will contrive to* DEFRAUD "*the captors of a conſiderable part of the booty,* "*by* BEING SUFFERED *to retire without any ex- "amination;—but this is your conſideration, and* "*not mine. I ſhould be very ſorry that your Of- "ficers and Soldiers loſt* ANY PART *of the* RE- "WARD *to which they are ſo well intitled*: but "I cannot make any objection, as you muſt "be the beſt judge of the expediency of the

" *promiſed* indulgence to the Rannee :—what " you have engaged for, I will ratify."

This letter, Mr. Grey contended, was an incitement to the troops to commit exceſſes, by holding out the plunder of the fortreſs as the *reward* of their victory : it ſacrificed to them the intereſts of the Company, by giving up to the ſoldiery, the treaſure with which the Company was to have been enriched, in conſequence of the fine which was to have been impoſed on the Rajah ; and, above all, it encouraged the army to violate that part of the capitulation which inſured to the Rannee, and her family, a ſafe retreat from the fort, without any examination of their perſons ; the Governor General having ſaid, that he would be very ſorry that the ſoldiers ſhould loſe ANY PART of the reward to which they were entitled ; nay, it ſignified to the army, that Mr. Haſtings was of opinion, that if the Rannee and her attendants ſhould carry away any part of the treaſure, it would amount to a FRAUD upon the ſoldiers. This letter had produced its effect ; for though the terms aſked by the Rannee, as far as they related to the ſafety of her perſon and of her family, and ſecured to her and them a retreat from the fort, free from examination

or ſearch of their perſons, were granted by Major Popham, the troops, in defiance of the capitulation, and of the public faith pledged for the faithful obſervance of it, and encouraged by the Governor General's known opinion reſpecting the booty, fell upon the Princeſſes and their attendants, rifled them of every thing, and treated them with every indignity that inſolence and brutality could offer. The feelings of theſe ladies could not be deſcribed; —they to whom, from the principles of their religion, the very ſight of any man, not of their own family, was pollution, were roughly handled by a barbarous ſoldiery. When ſuch ſcenes were acting, where, cried Mr. Grey, was the Second Alexander the Great? Was he following the example, the pious and noble example, of the great Conqueror of the World, when he ſoothed the ſorrows of the mother of Darius; and in her conqueror made her find a reſpectful ſon? Alas! the conduct of the modern Alexander was the very reverſe; and his admirers might lament that, in this inſtance, he departed from the reſemblance they ſaid he bore to that great original!—On this ſhocking occaſion, the ladies were ſtripped even of the trinkets or ornaments of their per-

ſons, which had been given to them by their former Lords; and were the tokens of happier days. Out of the plunder, a grand ſcymeter was reſerved for Mr. Haſtings; and ſome of the *valuable* trinkets were ſent to Mrs. Haſtings, to induce her to render that divinity, her huſband, propitious to the army, now threatened by him with a reſumption of that plunder which he had previouſly given up to them.

The Governor General, in giving up the plunder of Bidjigur to the ſoldiery, was chargeable not only with having *excited* the troops to acts of barbarity and cruelty, that diſgraced the Britiſh name, but alſo with having acted in direct oppoſition to the orders of his ſuperiors, the Court of Directors; ſo that the loſs ſuſtained by the Company, through the Priſoner's inſtructions to the army, which gave to the ſoldiers thoſe treaſures that they had been employed to ſecure for their principals and maſters, was aggravated by the reflection, that it had been occaſioned by the diſobedience of orders. And indeed it might be ſaid alſo, that in order to defraud the Company, as well as to contemn and diſobey their moſt poſitive injunction, the Priſoner had deviated from his

uſual

uſual doctrine, and fallen into a moſt glaring inconſiſtency, as would appear from the following paſſage in a letter written ſome years before, in which he ſtated the baleful conſequences that always attended the practice of encouraging the troops to the more vigorous diſcharge of duty, by holding out to them the promiſe of the plunder that ſhould be found in any place they might have the good fortune to take.—The paſſage read by Mr. Grey, to prove this aſſertion, was as follows:—

" The very *idea* of *prize-money* ſuggeſts to " my remembrance *the former diſorders which* " *aroſe in our army from this ſource, and had al-* " *moſt proved fatal to it.* Of this circumſtance " you muſt be ſufficiently apprized, and of " the neceſſity for diſcouraging every expec- " tation of this kind amongſt the troops.—*It* " *is to be avoided* LIKE POISON. The bad ef- " fects of a ſimilar meaſure were but too " plainly felt in a former period, and our Ho- " nourable Maſters did not fail on that occa- " ſion, to reprobate with their *cenſure*, in the " moſt ſevere terms, a practice which they re- " garded as the ſource of infinite evils; and " which, if eſtabliſhed, would, in their judg-

" ment,

" ment, neceſſarily bring corruption and ruin " on their army."

But the Priſoner not only excited the troops to acts of barbarity, by aſſuring them of the plunder of the fort of Bidjigur, but he afterwards riſked their diſcipline and obedience, and conſequently brought upon the Britiſh empire the danger of a mutiny, that might have been fatal to the public cauſe, by breaking faith with the troops, and attempting to force them to deliver up the plunder which he had made over to them as a *ſtimulus* to their exertion. He endeavoured to explain away the right which the army had to the twenty-three lacks 27,813 rupees found in the fort, under his permiſſion and declaration. He failed, however, in his attempt; the army pleaded his own unequivocal declarations in his letter to Major Popham, and remained firm in the reſolution not to give back any part of that property which they acquired out of the plunder, under the authority of the Governor General's own declaration. Mr. Haſtings being foiled in his attempt to reſume, by a breach of faith with the ſoldiers, what he had unlawfully diſpoſed of by a breach of duty to his conſti-

tuents,

tuents, endeavoured to obtain it as a *loan*. But in this too he failed: and the money divided by the army having been the only part of the treaſures belonging to the Rajah, or any of his family, that had been found, Mr. Haſtings was altogether fruſtrated in the acquiſition of every part of that diſhonourable object, which alone he pretended to, and purſued through a long ſeries of acts of injuſtice, inhumanity, oppreſſion, violence, and bloodſhed, at the hazard of his perſon and reputation, and, in his own opinion, at the riſk of the total ſubverſion of the Britiſh empire.

Mr. Haſtings, for the purpoſe of having a pretext for inſiſting that the army ſhould deliver up the plunder of Bidjigur, ſaid, that the letter which Major Popham and the army conceived to be an *order*, was merely a private and confidential communication; and by no means a ſignification of the Governor General's *will* and *pleaſure*, for directing and commanding the Major. Perhaps, if even this was admitted, ſaid Mr. Grey, it would be of little uſe to the Priſoner; but from the contents of a letter, dated the 3d of November 1781, and under the authority of which Major Popham had acted, it would appear to

their

their Lordſhips, that the ſtile was highly authoritative and imperative; and contained the moſt poſitive orders that could be ſent by a ſuperior, to the perſon who was to ſee them executed. Mr. Grey then read the following paſſages of the letter:—

" I am willing to grant her now (the Ran-
" nee) the ſame conditions to which I at firſt
" conſented, provided that ſhe delivers into
" your poſſeſſion within twenty-four hours
" from the time of receiving your meſſage,
" the fort of Bidjigur, with the treaſures and
" effects lodged therein by Cheit Sing, or any
" of his adherents; with a reſerve only, as
" above-mentioned, of ſuch articles *as you ſhall*
" *think neceſſary to her ſex and condition*; or as
" you ſhall be diſpoſed *of yourſelf to indulge her*
" *with*. If ſhe complies, as I expect ſhe will,
" it will be your part to ſecure the fort, and
" the property it contains, FOR THE BENEFIT
" OF YOURSELF AND DETACHMENT. I have
" only further to requeſt, that you will grant
" an eſcort, if Pauna ſhould require it, to con-
" duct her here, or wherever ſhe may choſe to
" retire to; but ſhould ſhe refuſe to execute
" the promiſe ſhe had made, *or delay it beyond*
" *the term of twenty-four hours*, it is MY POSI-
" TIVE INJUNCTION that you immediately put
a ſtop

" a ſtop to any further intercourſe or negocia-
" tion with her, and on no pretext renew it.
" If ſhe diſappoints or *trifles* with me, after I
" have ſubjected my Duan to the diſgrace of
" returning ineffectually, and of courſe my-
" ſelf to diſcredit, I ſhall conſider it as *a wan-*
" *ton affront and indignity, which I can never for-*
" *give*; nor will I grant her any conditions
" whatever; but leave her expoſed to theſe
" dangers, which ſhe has choſen to riſk, ra-
" ther than truſt to the clemency and gene-
" roſity of our Government. I think *ſhe can-*
" *not be ignorant of theſe conſequences, and will*
" *not venture to incur them:* and it is for this
" reaſon I place a dependence on her offers,
" and have conſented to ſend my Duan to
" her."

Here, ſaid Mr. Grey, is a letter not merely confidential, but entertaining directions to Major Popham, and the moſt *poſitive injunctions.* It alſo moſt clearly pointed out and directed that the treaſure ſhould be ſecured not for the Company, but for the benefit of the Major and his detachment.

As the Priſoner was famed for breach of faith, there were others on this occaſion, who had reaſon to complain of it, as well as the army,

from whom he wanted to reſume the plunder he had authorized them to divide. The Rannee had alſo felt the effects of this want of faith in another inſtance, in which Mr. Haſtings could not throw his guilt upon the ſhoulders of an ungovernable ſoldiery, but muſt bear the whole weight of it himſelf.

Soon after the flight of Cheit Sing, the repreſentative of the Britiſh government publiſhed a proclamation of pardon to all who ſhould ſubmit; ſo general in its nature and terms, that not one was excluded from it but Cheit Sing himſelf, his brother, and the inhabitants of a village in which two of the Company's ſoldiers had been murdered. In that pardon the Ranne was of courſe included, both as to liberty and property, in land and otherwiſe; and yet, while the ſiege of her fortreſs of Bidjigur was carrying on, he wrote thus to Major Popham: "As to permitting the Rannee "to hold the Purgunnals of Hurluck, or any "other in the Zemindary, without being ſub-"ject to the authority of the Zemindar, or any "lands whatever, *or indeed making any conditions* "*with her for a proviſion, I will never conſent to* "*it.*" Here was, in the true ſtile of Mr. Haſtings,

tings, a breach of public faith, almoſt in the inſtant when that faith was pledged; women of the firſt rank were left to ſpread complaints of their own wrongs, and of Britiſh perfidy, all over India.

When the ſuperior ſovereignty of Benares was ceded to the Company by the Nabob, Mr. Haſtings himſelf was the perſon who propoſed that Cheit Sing ſhould be treated rather as a friend and ally of the Company, than as a mere Zemindar, or common Land-holder. He it was who propoſed that the ſymbols of royalty and dominion—the power of coining money, and adminiſtering criminal juſtice in his country, ſhould be granted to the Rajah; and the reaſons aſſigned by him for propoſing ſuch a grant, were—" That without ſuch appear-
" ance, he would expect from every change
" of Government additional demands to be
" made upon him; and would of courſe de-
" ſcend to all the arts of intrigue and conceal-
" ment, practiſed by other dependant Rajah,
" which would keep him indigent and weak,
" and eventually prove hurtful to the Com-
" pany; but that, by proper encouragement
" and protection, he might prove a profitable
" dependant, an uſeful barrier, and even a

 " powerful

" powerful ally to the Company: but that " he would be neither, if the conditions of " his connection with the Company were left " open to future variations."

The propoſition made by Mr. Haſtings, was adopted by the Council; Cheit Sing was made a tributary Prince; his tribute was fixed beyond the power of alteration by ſucceeding governments; and he was placed in a ſituation in which he bore a much greater reſemblance to an independent ſovereign Prince, than to a mere Land-holder; his tenure was a ſolemn treaty, for the ſupport of which the faith and honour of the Britiſh empire were pledged; and every idea of common ſenſe muſt be abandoned, and every principle of reaſon muſt be inverted, before a perſon ſo holding his territority could be conſidered as a mere tenant at will; liable to be turned out of poſſeſſion, or to have his rent raiſed at the will of his landlord. And yet Mr. Haſtings, after having himſelf pledged the faith of his Government that nothing in the treaty of ceſſion, between the Nabob and the Company, ſhould affect the Rajah's engagements with the Nabob; after having propoſed that he ſhould be made a friend and an ally of the Company; after having

ing inveſted him with the ſymbols of royalty—the power of the mint, and the power of life and death; after having by treaty ſtipulated the tribute that was to be paid in return; after having fixed that tribute to a preciſe ſum, and declared it ſhould never be increaſed, and that no further demand of ANY KIND whatever, ſhould be made upon him beyond that tribute; and after having bound the Company by the moſt ſacred ties, the faith of treaties, to guarantee all this to the Rajah, the ſame Mr. Haſtings, himſelf, did not bluſh to explain away his own engagements, and repreſent that Prince in the light of a mere Land-holder; a wretched tenant at the will of the Company, with no rights beyond what the *power* of the Council would allow.

The Governor General foreſeeing that his treatment of Cheit Sing would appear ſingular to the Court of Directors, who conſidered the Rajah as having the the moſt ſacred rights that public faith, honour, and treaties could ſecure, endeavoured to palliate his conduct by a compleat diſavowal of all his former principles and opinions relative to the Rajah; for he did not bluſh at the inconſiſtency that ſtared him in the face, when he wrote to the Court of Directors, and aſſerted,

in

in oppoſition to all his former declarations,—
" That the Rajah of Benares was not a vaſſal,
" or tributary Prince; and that the deeds
" which paſſed between him and the Board,
" upon the tranſaction of the Zemindary in
" 1775, were not to be underſtood to bear
" the quality and force of a treaty, upon op-
" tional conditions between equal ſtates; that
" the payments to be made by him were not
" a tribute, but a rent; and that the inſtru-
" ments, by which the territories were con-
" veyed to him, did not differ from common
" grants to Zemindars, who were merely
" ſubjects; but that being nothing more than
" a common Zemindar, and a mere ſubject,
" and the Company holding the acknow-
" ledged rights of his former ſovereign, held
" an abſolute authority over him; that in the
" known relations of Zemindar to the ſovereign
" authority or power delegated by it, he owed
" a perſonal allegiance, and an implicit and
" unreſerved obedience to that authority, at
" the forfeiture of his Zemindary, and even
" of his life and property."

Mr. Haſtings ſurely muſt have forgot, or imagined that his employers had forgot, that he himſelf had frequently called this reſerved rent paid by Cheit Sing, a *tribute*; and that

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of whatever nature the inſtruments by which he held, might have been, Mr. Haſtings himſelf, did not conſider him as a common Zemindar, or Land-holder, but as far *independent* as a tributary Prince could be. Nay, he himſelf aſſigned as a reaſon for not receiving the rent, rather within the Company's province, than in the Rajah's own capital, that it would not "fruſtrate the intention of rendering the "Rajah *independent*; that if a Reſident was "appointed to receive the money, at Benares, "ſuch a Reſident would unavoidably acquire "an influence over the Rajah and over his "country, which would, in effect, render "him the maſter of both; that this conſe-"quence might not perhaps be brought "completely to paſs without a ſtruggle, "and many appeals to the Council, which, "in a Government conſtituted like this, can-"not fail to terminate againſt the Rajah; "and by the conſtruction to which his op-"poſition to the Agent would be liable, "might eventually draw on him ſevere re-"ſtrictions, and end *in reducing him to the "mean and depraved ſtate of a Zemindar.*"

The only way to account for this contradiction, between the language at one time and another,

another, was, by reflecting, that before Cheit Sing had done any thing to offend Mr. Haſtings, he conſidered him as what the treaty had made him; but that after he had affronted him, and brought upon himſelf the reſentment of that mighty man, by officiouſly complimenting Sir John Clavering on his acceſſion to the Government, the Governor General conſidered him then, not as what he really was, but as the deſpicable thing that this implacable man intended to make him.

After the expulſion of Cheit Sing, and the complete reduction of the province of Benares, it became neceſſary that ſome ſyſtem of government ſhould be eſtabliſhed in the room of that which, by the late revolution, had been overturned. In ſuch a buſineſs, it was the bounden duty of Mr. Haſtings to take the ſenſe of the Supreme Council, on every meaſure that he wiſhed to have adopted on that head; every act in an arrangement of ſo important a nature, ought to have been ſanctioned by the Supreme Council; and not a ſingle meaſure tending to the ſettlement of the government ſhould have been taken, that had not been previouſly debated and approved in Council. But Mr. Haſtings, regardleſs of his duty,

duty, and thinking himſelf paramount to the Supreme Council, did not think proper to communicate to them any one reſolution he had formed on this ſubject, until he had actually carried it into execution: he looked upon his Colleagues as cyphers, and deemed it beneath his dignity to take, or even to aſk their advice. The ſettlement, therefore, which he made, was excluſively his own; the merit or demerit of it he could ſhare with no man. Conſiſtency, as their Lordſhips muſt have already perceived, formed no part of the Governor General's character; they would therefore be the leſs ſurpriſed, when they ſhould hear that the new government was ſettled upon principles diametrically oppoſite to all his former plans of policy, reſpecting the Rajah and Zemindary of Benares.

He conſtituted *Mehip Narrain* (a deſcendant, by the mother, from the late Rajah, Bulwant Sing,) Rajah of Benares: but the condition and nature of his tenure he made widely different from that by which he himſelf had propoſed that Cheit Sing ſhould hold the Zemindary.

When Mr. Haſtings was in a minority in the Council at Calcutta, he would have made the late Rajah an *independent Prince*; now that he was maſter of the Council of Benares, he made the new Rajah, on whom he beſtowed the Zemindary, a poor dependant land-holder. He encreaſed the annual tribute from 23 to 31 lacks, or 310,000l. for the firſt year, and to 40 lacks, or 400,000l. for every year after; a ſum which he acknowledged the country could not pay. He took from him the power of coining, which he himſelf had called the ſymbol of royalty and beſtowed it upon Mr. Markham, the Britiſh Reſident at Benares. Formerly he would have the tribute paid at Patna, becauſe he would not have a Reſident at Benares; who, he knew, would become the maſter of that country; a heavy burthen, and the ſource of evil to the province:—now that he was uncontrouled in his power, he appointed a Reſident at Benares; and ordered that the tribute ſhould be paid to him in that city.

No man could have urged ſounder or better reaſons againſt the appointment of a Britiſh Reſident at Benares, than Mr. Haſtings himſelf had left recorded in the Minutes of

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the Council at Calcutta, on the conſultations relative to the inveſtiture of Cheit Sing. "It "is propoſed, ſaid he, to receive the pay- "ment of his (the Rajah's) rents at Patna, "becauſe that is the neareſt provincial ſtation; "and becauſe it would not fruſtrate the in- "tention of rendering the Rajah independent. "If a Reſident was appointed to receive the "money as it became due, at Benares, ſuch a "Reſident would unavoidably acquire an in- "fluence over the Rajah, and over his coun- "try, which would in effect render him the "maſter of both. This conſequence might "not, perhaps, be brought completely to "paſs, without a ſtruggle, and many ap- "peals to Council, which, in a Government "conſtituted like this, cannot fail to termi- "nate againſt the Rajah; and by the con- "ſtruction to which his oppoſition to the "Agent would be liable, might eventually "draw on him ſevere reſtrictions, and reduce "him to the mean and depraved ſtate of a "mere Zemindar."

Such were the conſequences, which in the opinion of Mr. Haſtings, muſt neceſſarily attend the appointment of a Britiſh Reſident at Benares; and as ſoon as Cheit Sing was ex-

pelled from his country, and a new Rajah was nominated to ſucceed him, the ſame Mr. Haſtings, who foreſaw all theſe conſequences, appointed Mr. Markham to reſide at the Court of this new Rajah, as the Agent of the Britiſh Government. But not ſatisfied with the power which he knew would be inſeparable from that character, he beſtowed upon that gentleman the ſuperintendency and management of the *mint*, which had been given to Cheit Sing, at the ſpecial deſire of Mr. Haſtings, as a ſymbol of royalty. Nay, he went farther; for he gave Mr. Markham a controuling power over the Rajah, and over his father, Durbege Sing, who had been appointed Adminiſtrator General of Affairs, during the minority of the young Rajah, who was his ſon. This appointment and continuance of an Agent was the more ſingular, as the more the Governor General ſaw of the effects of ſuch appointments, the more he had reaſon to condemn them, as baneful to the country. His ſentiments on this ſubject he expreſſed in very forcible language in his letter of the 1ſt of October, 1784, to the Court of Directors:—"Agents, ſaid he, are ſent into the "country, and armed with authority for the

purpoſes

" purpoſes of vengeance and corruption; *for*
" *to no other will they be applied.*"

Mr. Haſtings in his further proceedings after the expulſion of Cheit Sing, acted as if he was veſted with the plenitude of regal and imperial power; for he not only diſſolved, by his own and ſole authority, all the engagements that had ſubſiſted between that Prince and the Company, and nominated another to ſuoceed him, at a greatly advanced tribute, as had been already ſtated; but without the interference or concurrence of the new Rajah, or his Miniſter, he placed at the head of the Courts of Criminal Law, a native *Mahomedan*, to adminiſter juſtice to the Hindûs; he alſo impoſed and cauſed to be levied ſeveral injudicious and oppreſſive duties on goods and merchandize, which greatly impaired the trade of the province, and threatened its utter ruin: he aſſigned to different perſons conſiderable penſions, to be paid out of the revenues of Benares; and kept up various bodies of the Company's troops in the territories of that Zemindary, to the total ſubverſion of the rights of the Sovereign and the people, in violation of the treaties and engagements ſubſiſting between them and the Company, and

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of the authority of the Supreme Council, which was totally diſregarded by him on this occaſion.

One might have imagined, ſaid Mr. Grey, that though the Governor General might have felt a pleaſure in pulling down a fabric raiſed by his rivals, he would have reſpected the work of his own hands, and cheriſhed and ſupported the new Government he had juſt eſtabliſhed in Benares. But the reverſe was the caſe; with him, revolutions in Government were familiar; and if the new Adminiſtrators did not keep pace with his active ſpirit of oppreſſion, he could as eaſily bring himſelf to depoſe and diſmiſs them, as if they had been appointed by his enemies.

Accordingly, being abſent on account of ill health from Calcutta, at a place called Nia Serai, about forty miles diſtant from that ſeat of Government, he carried on a ſecret correſpondence with the Reſident at Benares, who was his own creature; and under colour that the inſtallments for the new rent or tribute, were in arrear, he, by his own private authority, without the conſent or privity of the Supreme Council, effected a ſecond revolution, within about a year after the former had taken place;

place; for he directed the Reſident to depoſe the new Miniſter, Durbege Sing, the father of the Rajah, and Adminiſtrator of his authority, deprive him of his office and lands, and throw him into priſon. This order was rigidly executed; and Mr. Haſtings carried his cruelty ſo far as to threaten Durbege Sing with *death*, while he was in priſon. The conduct of the Governor General, in this reſpect, was the more unjuſt, as at the time when he made the new arrangement, he declared he was ſenſible that the increaſed rent might require abatement. He was well apprized that Durbege Sing had been for two months of his Adminiſtration in a weak and languid ſtate of body, and wholly incapable of attending to the buſineſs of the collections; that a conſiderable drought had prevailed in the province, which conſequently affected the regularity of thoſe collections, and the produce of the revenue; and that in fact, that Durbege Sing had not himſelf received from the Collectors, and the cultivators of the ſoil, the rent that was in arrear to the Company. The Governor afterwards, without receiving any anſwer, defence, plea, exculpation, or apology, from the party, procured from the Supreme Council a confirmation

tion of all he had done in depoſing and impriſoning a man, who ſtood in the near relation of father to the young Prince.

When ſo much rigour was uſed towards a perſon of ſo much conſequence, ſaid Mr. Grey, your Lordſhips might preſume that the arrear, due to the Company, was very great; but, in truth, it was the arrear only of *one month*'s inſtallment; and he would prove, to the ſatisfaction of their Lordſhips, that in India, rents due in one month, and paid before a ſecond month's rent became due, were conſidered as very punctually and well paid.

Jagher Deo Sheo was appointed by Mr. Haſtings to ſucceed Durbege Sing in the adminiſtration and collection of the revenue; and this man having conſtantly before his eyes the fate of his predeceſſor, collected the rents with the utmoſt rigour, and without any regard to the diſtreſſes of the people. So inexorable was he in this reſpect, that when the chief criminal Judge at Benares propoſed to him a remiſſion of certain duties on grain, on account of a great drought that had prevailed in the country, he ſtrenuouſly oppoſed the meaſure, though he did not deny but it was abſolutely neceſſary to the relief of

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the inhabitants of the city of Benares: he feared he ſhould be depoſed and impriſoned; and therefore the people were refuſed the neceſſary relief.

Harraſſed as they were by their new rulers, the once happy ſubjects of Cheit Sing, might at leaſt have expected protection againſt the attacks of enemies from without; and particularly, as ſeveral bodies of Britiſh troops had been cantoned in the country ſince the abolition of the native Government: but the enforcing the collection of the revenue, and not the protection of the country, engaged the attention of the new Government; ſo that the province was expoſed to the depredations of the Rajahs upon the borders; inſomuch that in one quarter, no fewer than thirty villages had been ſacked and burned, and the inhabitants reduced to extreme diſtreſs.

The wretched ſtate of the province at laſt forced even the Britiſh Reſident to make repreſentations in favour of the inhabitants: in a letter to the Board at Calcutta, he ſtated, that the collection of the revenue was become extremely difficult; and beſides the extreme drought, he aſſigned as a cauſe of that difficulty, the following:

" That there is alſo one fund, which in " former years, was often applied in this " country, to remedy temporary incoveniencies in the revenue, and which in the preſent year does not exiſt: this was the private fortunes of Merchants and Shroffs (Bankers) reſident in Benares, from whom " Aumils (Collectors) of credit could obtain temporary loans, to ſatisfy the immediate calls of the Rajah. Theſe ſums which " uſed to circulate between the Aumil and " the Merchant, have been turned into a different channel, by Bills of Exchange, to defray the expences of Government, both " on the weſt coaſt of India, and alſo at " Madras." To this repreſentation no anſwer was ſent; and no mode of redreſs was adopted in conſequence of it.

The country, Mr. Grey ſaid, was at length brought to complete ruin, as would appear to their Lordſhips from the following letter, written by Mr. Haſtings himſelf, to the Board at Calcutta, to deſcribe the ſtate in which he found the country as he paſſed through it in 1784, in his progreſs to Oude. The letter was read by Mr. Grey, and was as follows :—

" *Lucknow*,

" *Lucknow, April 2d*, 1784.

" Having conceived, by making forced " ſtages, while the troops of my eſcort " marched at the ordinary rate, to make a " ſtay of five days at Benares, I was thereby " furniſhed with the means of acquiring ſome " knowledge of the ſtate of the province, " which I am anxious to communicate to you. " Indeed the enquiry, which was in a *great de-* " *gree obtruded upon me*, affected me with very " mortifying reflections on my inability to ap- " ply it to any uſeful purpoſe. From the con- " fines of Buxar, to Benares, I was followed and " *fatigued* by the clamours of the diſcon- " tented inhabitants. It was what I expected " in a degree; becauſe it is rare that the ex- " erciſe of authority ſhould prove ſatisfac- " tory to all who are the objects of it.— " The diſtreſſes which were produced by the " long continued drought, unavoidably tended " to heighten the general diſcontent; *yet I* " *have reaſon to fear, that the cauſe exiſted prin-* " *cipally in a defective, if not a corrupt and op-* " *preſſive adminiſtration.* Of a multitude of " petitions which were preſented to me, and " of which I took minutes, every one that did " not relate to a perſonal grievance, contained

" the repreſentation of one and the ſame ſpe-
" cies of oppreſſion, which is in its nature of
" an influence moſt fatal to the future culti-
" vation. The practice to which I allude, is
" this—it is affirmed, that the Aumils and
" Renters exact from the proprietors of the ac-
" tual harveſt, a large encreaſe in *kind*, on their
" ſtipulated rent; that is, from thoſe who
" hold their potta by the tenure of paying *one*
" *half* of the produce of the crops, either the
" *whole* without ſubterfuge, or a large pro-
" portion of it by a *falſe meaſurement*, or other
" pretext; and from thoſe, whoſe engage-
" ments are for a fixed rent *in money*, the half,
" or a greater part, is taken in *kind*. This is
" in effect a tax upon the induſtry of the in-
" habitants, ſince there is ſcarce a field of
" grain in the province, *I might ſay not one*,
" which has not been preſerved by the inceſ-
" ſant labour of the cultivator, by digging
" wells for their ſupply, or watering them
" from the wells of maſonry, with which
" their country abounds; or from the neigh-
" bouring tanks, rivers, and *nullahs*. The
" people, who impoſed on themſelves this vo-
" luntary and extraordinary labour, and not
" unattended with expence, did it on the ex-

" pectation of reaping the profits of it; and
" it is certain they would not have done it, if
" they had known that their rulers, *from whom*
" *they were entitled to an indemnification*, would
" take from them what they had ſo hardly
" earned. If the ſame adminiſtration conti-
" nues, and the country ſhall again labour un-
" der a want of rain, *every field will be aban-*
" *doned, the revenue fail, and thouſands periſh*
" *through want of ſubſiſtence*: for who will la-
" bour for the ſole benefit of others, and to
" make himſelf the ſubject of exaction? Theſe
" practices are to be imputed to the Naib him-
" ſelf: (the adminiſtrator forced by the Go-
" vernor General himſelf on the new Rajah
" of Benares!) The avowed principle on which
" he acts, and which he acknowledged to my-
" ſelf, is, that the whole ſum fixed for the re-
" venue of the province, muſt be collected;
" and that for this purpoſe, the deficiency
" ariſing in places where the crops have failed,
" or which have been left uncultivated, muſt
" be ſupplied from reſources of others, where
" the ſoil has been better ſuited to the ſeaſon,
" or the induſtry of the cultivators has been
" more ſucceſsfully exerted: a principle which,
" however ſpecious and plauſible it may at firſt

" appear,

" appear, *certainly tends to the moſt pernicious and*
" *deſtructive conſequences.* If this declaration of
" the Naib had been made only to myſelf, I
" might have doubted my conſtruction of it;
" but it was repeated by him to Mr. Ander-
" ſon, who underſtood it exactly in the ſame
" ſenſe. In the management of the cuſtoms,
" the conduct of the Naib, or of the officer
" under him, was forced alſo upon my atten-
" tion. *The exorbitant rates exacted by an arbi-*
" *trary valuation of the goods*; the practice of
" exacting rates twice on the ſame goods,
" firſt from the ſeller, and afterwards from the
" buyer; and the vexatious diſputes and de-
" lays drawn on the merchants by theſe op-
" preſſions, were loudly complained of; and
" ſome inſtances of this kind were ſaid to exiſt
" at the very time I was at Benares. Under
" ſuch circumſtances we are not to wonder if
" the merchants of foreign countries are diſ-
" couraged from reſorting to Benares; and if
" the commerce of that province ſhould an-
" nually decay. *Other* evils, or imputed evils,
" have accidentally come to my knowledge,
" which I will not now particularize; as I
" hope, that with the aſſiſtance of the Reſi-
" dent, they may be *in part* corrected. One

" evil

" evil I muſt mention, becauſe it has been ve-
" rified by my own obſervation, and is of that
" kind which reflects an unmerited reproach
" on our general and national character. When
" I was at Buxar, the Reſident, at my deſire,
" enjoined the Naib to appoint creditable peo-
" ple to every town through which our route
" lay, to perſuade and encourage the inhabi-
" tants to remain in their houſes, promiſing
" to give them guards as I approached, and
" they required it for their protection; and
" that he might perceive how earneſt I was
" for his obſervation of this precaution, I re-
" peated to him, in perſon, and diſmiſſed him,
" that he might precede me for that purpoſe.
" But to my great diſappointment, *I found*
" *every place through which I paſſed, abandoned:*
" *nor had there been a man left in any of them for*
" *their protection.*—I am ſorry to add, *that from*
" *Buxar, to the oppoſite boundary, I have ſeen no-*
" *thing but traces of complete devaſtation in every*
" *village: whether cauſed by the followers of the*
" *troops, which have lately paſſed, for their natu-*
" *ral relief, and I know not whether my own may*
" *not have had their ſhare*, or from the appre-
" henſions of the inhabitants, left to them-
" ſelves, and of themſelves deſerting their
" houſes.

" houſes. I wiſh to acquit my own country-
" men of the blame of theſe unfavourable ap-
" pearances; and in my own heart I do ac-
" quit them; for at one encampment, a crowd
" of people came to me, complaining that
" *their new Aumil* (Collector) *on the approach of*
" *a military detachment, himſelf firſt fled from*
" *the place; and the inhabitants having no one to*
" *whom they could apply for redreſs, or for the*
" *repreſentation of their grievances, and being thus*
" *remedileſs, fled alſo; ſo that their houſes and*
" *effects became a prey to any perſon who choſe to*
" *plunder them.* The general concluſion ap-
" peared to me an inevitable conſequence from
" ſuch a ſtate of facts; and my own ſenſes
" bore teſtimony to it in this ſpecific inſtance;
" nor do I know how it is poſſible for any of-
" ficer, commanding a military party, how
" attentive ſoever he may be to the diſcipline
" and forbearance of his people to prevent diſ-
" orders, *when there is neither oppoſition to hin-*
" *der, nor evidence to detect them.* Theſe, and
" many other irregularities, I impute ſolely
" to the Naib, and recommend his inſtant re-
" moval. I cannot help remarking, that, ex-
" cept the city of Benares, *the province is in*
" *effect without a government: the adminiſtration*

" *of*

" *of the province is miſconducted, and the people*
" *oppreſſed, trade diſcouraged, and the revenue in*
" *danger of a rapid decline, from the violent ap-*
" *propriation of its means!*"

Here, ſaid Mr. Grey, the Priſoner had faithfully deſcribed the fatal conſequences of his own pernicious meaſures. Here their Lordſhips ſaw the beautiful province of Benares, which had been as it were one continued garden, an earthly paradiſe, inhabited by an happy race of men under the government of Bulwant Sing, and Cheit Sing his ſon, who crouded with pleaſure round their Prince, when he appeared in the villages, become, in the ſhort ſpace of three years, deſerted and abandoned; the people flying from the preſence of the Governor General, as from a peſtilence, and leaving their effects to be plundered by an unreſtrained and fell-deſtroying ſoldiery. Well might Mr. Haſtings bluſh at the different picture which Benares at that time exhibited, contraſted with the deſcription he had himſelf given of it, ſome few years before, when he ſaid it was a fruitful, well cultivated, and orderly country, to which merchants who had acquired fortunes in the moſt diſtant parts of India reſorted, to ſpend the

remainder of their days under a government famed all over Indoſtan for the ſecurity it afforded to the perſons and property of the people who lived under it; a country that was to be diſtinguiſhed from the provinces under the immediate government of the country, leſs by the boundaries that nature had ſet to it, than by the ſuperior cultivation of its fields, the number of its villages, full of happy inhabitants; and the peace and order that reigned throughout the land, when the traveller might lie down with his property, and ſleep in ſafety;—the contraſt given by the ſame Mr. Haſtings, muſt fill the minds of their Lordſhips with horror. He appeared to be ſhocked at it himſelf, and had laboured to throw the odium of the mal-adminiſtration on the Miniſter whom he himſelf had appointed: he procured his diſmiſſion therefore from the Council. But to ſhew that he was not under the influence of any principle of juſtice, he was ſatisfied with his diſmiſſion; though for charges leſs heinous, nay, for a bare arrear of rent, he had not only diſmiſſed Durbege Sing, but had actually thrown him into priſon, where he died.

Mr. Grey having brought the hiſtory of the revolutions in Benares from the expulſion

of

of Cheit Sing, down to the diſmiſſion of Jagher Deo Sheo from the office of Naib, or principal Miniſter of the Rajah, he ſaid he had advanced nothing that he ſhould not be able to ſupport by evidence, and that he would convince their Lordſhips, that the Priſoner at the bar was a monſter, in whoſe breaſt cruelty, rapacity, revenge, avarice, and tyranny, held ſo even a ſway, that he did not know which of them was intitled to pre-eminence. He was a man whom no duty could bind; whom no orders could reſtrain; a man eaſily provoked to anger, implacable in his reſentment, and inſatiable either in vengeance or avarice. He obſerved, that the unfortunate Cheit Sing had, in one of his letters to the Priſoner, called him "*the mirror of the world!*"—but in that mirror, ſaid Mr. Grey, no one elſe could ſee aught but cruelty, barbarity, perfidy, haughtineſs, and every vice that could diſgrace a government, and render it a curſe, inſtead of a bleſſing, to thoſe who lived under it—*Quie quid* CRUDELITAS *in* SUPPLICIIS, (ſaid the Honourable Manager) INJURIA *in* RAPINIS, SUPERBIA *in* CONTUMELIIS *efficere poteſt*, was effected by the Priſoner, through the whole courſe of his Adminſtration.

Mr. Grey begged their Lordſhips would excuſe him, if he had ſpoken with warmth; for who could be cool ſaid he, upon ſuch a ſubject. He felt no perſonal malice or ill will againſt the Priſoner at the bar; he was animated ſolely with zeal for the honour of the Britiſh name, which he wiſhed to reſcue from the diſgrace that the Priſoner had brought upon it; and as all he had ſaid of him he ſhould ſupport by unqueſtionable evidence, he was fully convinced that their Lordſhips would find him guilty of the High Crimes and Miſdemeanors laid to his charge in the firſt article of impeachment, which related to Cheit Sing.

Mr. Grey concluded his ſpeech at about a quarter after two o'clock. From that time till their Lordſhips adjourned, the Court was employed in hearing evidence. The particulars proved were—the Charter of the Eaſt India Company—their power under it to appoint Governors—their appointment of Mr. Haſtings to be Second in Council at Fort William, in Bengal—his appointment to the office of Governor General, by ſeveral different Acts of Parliament—his having taken poſſeſſion of, and exerciſed that office—and, finally,

finally, the defence given in by Mr. Haſtings to the Houſe of Commons was proved, and as much of it read as relates to the firſt charge. The reaſon for giving this in evidence, was, that in this Defence, the Priſoner admits a number of things which the Commons charges as crimes, but which he denies to be ſuch: and ſtated in it many things very differently from the manner in which he ſtated the ſame in the Defence he delivered to the Houſe of Lords.

The member who called the witneſſes was Mr. Anſtruther.

The Company's Charter was produced by Mr. Morton, Secretary to the Eaſt India Company; other papers were produced by Mr. Hudſon of the India Houſe; and Mr. Benſon, Clerk of the Papers of the Houſe of Commons, produced and proved the papers containing Mr. Haſtings's Defence, to have been delivered by that gentleman to the Houſe.

The Court adjourned at a quarter paſt four o'clock.

TUESDAY, FEBRUARY 26.

The Court met at twelve o'clock, and its whole time this day was taken up in receiving evidence

evidence in ſupport of the charge relative to the Rajah of Benares. All the evidence tendered at this ſitting was *written*, and extracted from the Eaſt India Company's books: a Clerk belonging to the India Houſe attended to prove the books to be authentic.

The extracts that were read were given as proofs, that Benares was a real Zemindary, dependent upon, and part of the Mogul Empire; and that Bulwant Sing had been a real Zemindar. A grant was produced, made by Shah Allum, the preſent King of Delhi, or the Great Mogul, in which Benares is ſtiled a Zemindary, and its Rajah a Zemindar. From the Company's books were read ſeveral Minutes of conſultations of the General Council of Bengal, at different times, in which appeared the Company's engagements with Bulwant Sing, and the tenure by which he was underſtood by the Council to hold his Zemindary; the ſteps taken by the Council to ſecure to his ſon, Cheit Sing, the inveſtiture of his father's dominions from the Nabob Vizier, who was the Lord Paramount of them; and the joy which the Council felt and expreſſed at ſeeing the buſineſs concluded ſo much to the ſatisfaction of Cheit Sing, and

the

the advantage of the Company; the provinces having been ſettled upon that Prince, and *his heirs*, on the ſame terms, and in the ſame manner, in which they had been enjoyed by his father, Bulwant Sing, excepting an increaſe of the tribute; but with this expreſſive proviſion, that no *further increaſe ſhould ever after be demanded.* It appeared alſo, from the Minutes that were read, that when it was in agitation to obtain from the Nabob the ceſſion of the ſovereignty of Benares to the Company, Mr. Haſtings himſelf propoſed in Council, "That "whatever proviſion might, in the treaty for "that purpoſe, be made for the Company's "intereſt, the ſame ſhould be without any "encroachments on the juſt rights of the Ra-"jah Cheit Sing, or the *engagements actually "ſubſiſting with him.*"

The Minutes of the General Council proved alſo, that after the Nabob had ceded to the Company the ſovereignty of the province of Benares, Mr. Haſtings himſelf propoſed, that the ſovereign rights of the mint, and the right of criminal juſtice, or power of life and death, ſhould be granted to the ſaid Rajah; and Mr. Haſtings alſo entered the following minute upon the Council book:—"That the perpe-

tual

" tual and *independent* poſſeſſion of the Zemin-
" dary of Benares, and its dependencies, be
" *confirmed* and guarantied to the Raja Cheit
" Sing and his heirs for ever, *ſubject only to*
" *the annual payment of the revenues hitherto*
" *paid to the late Vizier*.—That NO OTHER
" *demand* be made on him, either by the Nabob
" of Oude, or this *Government*; *nor any kind of*
" *authority or juriſdiction be exerciſed by either,*
" *within the diſtricts aſſigned him.*"—To this Minute the following obſervation was afterwards ſubjoined by Mr. Haſtings himſelf, and entered in the Council-book:—" The Rajah
" of Benares, from the ſituation of his coun-
" try, which is a frontier to the provinces of
" Oude and Bahar, may be made a ſervice-
" able ally to the Company, whenever their
" affairs ſhall require it. He has always been
" conſidered in this light, both by the Com-
" pany, and the ſucceſſive Members of the
" late Council: but to inſure his attachment
" to the Company, his intereſt muſt be con-
" nected with it, which cannot be better ef-
" fected, than by freeing him totally from
" the REMAINS of his preſent vaſſallage,
" under the guarantee and protection of the
" Company; and at the ſame time guarding
" him

" him againſt any apprehenſions from this " Government, by thus pledging its faith that " NO ENCROACHMENT ſhall EVER be made on " his rights by the Company."

On the 5th of July, 1775, Mr. Haſtings himſelf, propoſed, among other articles of the treaty relative to this ſubject, one of the following tenor :—" That whilſt the Rajah " ſhall continue faithful to theſe engagements, " and punctual in his payments, and ſhall pay " due obedience to the authority of this Go- " vernment, *no more demands* ſhall be made " upon him by the Honourable Company, " of ANY KIND; or on any pretence whatſo- " ever ſhall any perſon be allowed to interfere " with his authority, or to diſturb the peace " of his country."—To this article it appear- ed that the Council aſſented without a debate.

To prove that, under the colour of the words,—" *and ſhall pay due obedience to the au-* " *thority of this Government*," it was not intended that any power ſhould be reſerved to the Com- pany of impoſing fines, or levying money, by any means, beyond the amount of the tribute. Other Minutes were read, which ſhewed that theſe words referred ſolely to his loyalty : that he ſhould be true to his lord paramount, and

make no treaty with any enemy of the Company.

Evidence was offered in ſupport of the following Charge: — "That the ſaid Warren "Haſtings, being reſolved on the ruin of the "Rajah aforeſaid, as a preliminary ſtep there-"to, did, againſt the expreſs orders of the "Court of Directors, remove Francis Fowke, "Eſq. the Company's Reſident at the city of "Benares, without any complaint, or pre-"tence of complaint whatſoever, but merely "on his own declaration, that he muſt have, "as a Reſident at Benares, a perſon of his "own ſpecial and perſonal nomination and "confidence; and not a man of the Compa-"ny's nomination: and in the place of the "ſaid Francis Fowke, thus illegally diveſted "of his office, did appoint thereto another "ſervant of the Company of his own choice."

The Managers of the Impeachment were then going to give proofs not only of the recall of Mr. Fowke, but alſo of various other appointments of Reſidents, contrary to the Company's orders; and the reſult propoſed from this chain of evidence was to ſhew that the Priſoner had invariably acted *malo animo*, in his nomination of Reſidents.

But

But the Counſel for Mr. Haſtings objected to the evidence that was offered, becauſe, as he ſaid, it went to points not contained in the Charge. The evidence offered was on account of the nomination of ſeveral Reſidents ſucceſſively, who had *preceded* Mr. Fowke, though the Charge ſeemed to refer only to that gentleman, and to the other who *ſucceeded* him. But the Managers inſiſted that they had a right to give the evidence oppoſed by the Counſel; in the firſt place, becauſe the Charge would be greatly elucidated by it; in the next place, as a breach of the orders from the Court of Directors, was charged, the Managers were at liberty to give more inſtances than one of diſobedience of orders; and they would be able to convict the Priſoner of *malus animus*, in his different appointments of Reſidents, down to the time ſpecified in the Charge, when he turned out the Reſident appointed by order of the Company, that he might place a creature of his own in his room.

The Lords being thus called upon by both ſides, to decide upon the admiſſibility or inadmiſſibility of the evidence in queſtion, adjourned to their own Houſe to deliberate. It was thought they would have ſoon returned,

and communicated their determination to both parties: however, it ſeemed to be a matter that would produce a debate; and it being then near four o'clock, word was ſent to the Managers, that their Lordſhips had adjourned the *Court* to *Thurſday*.

THURSDAY, FEBRUARY 28.

As ſoon as the Lords had taken their ſeats, the Lord Chancellor informed the Committee of Managers, that their Lordſhips having taken into conſideration the arguments uſed by the Committee, to ſhew the admiſſibility of the evidence tendered by them on Tueſday laſt, relative to the appointment of Reſidents, contrary to the orders of the Court of Directors, and the objections ſtated by the Priſoner's Counſel, had reſolved to over-rule the objections, and ſuffer the Committee to give thoſe different appointments in evidence.

Mr. Anſtruther then cauſed a great number of letters and minutes to be read, to prove that, in the appointment of Reſidents, at the Courts of the native Princes, Mr. Haſtings had generally diſregarded the orders of his conſtituents, and conſulted ſolely his own particular

ticular intereſt, by nominating his own ſervants and confidential agents, to reſide at thoſe Courts.

He next produced from the Company's books, proofs that Cheit Sing had been moſt punctual in the monthly payments of his annual tribute, and of thoſe allowances which were made to a brother of the Nabob of Oude, who reſided at Benares.

He proved alſo, from the ſame authority, that the idea of calling upon the Rajah for any contribution, over and above his annual tribute, had originated with Mr. Haſtings, who moved that propoſition in the Supreme Council: that Mr. Francis (a member of the Council) had, at the time, queſtioned the right of the Council to call upon the Rajah for any thing more than his ſtipulated annual tribute: that, for his own part, he did not believe any ſuch right to exiſt; that he thought the ſovereignty over Benares, which produced a clear revenue to the Company of 240,000l. ſterling a year, the moſt valuable gem in the Company's poſſeſſion; and that ſuch a gem could be beſt ſecured by the moſt rigid adherence, on the part of the Britiſh Government, to the engagements

into

into which it had entered. But that this opinion of Mr. Francis was over-ruled; and the Council, of which Mr. Haſtings and Mr. Wheler then formed the majority, reſolved, that the demand of five lacks of rupees ſhould be made, in addition to the tribute; and that two battalions of Sepoys ſhould march to enforce the demand, if the Rajah ſhould not ſubmit to it peaceably. That Mr. Francis finally acquieſced in the demand, expreſſing his hope, however, that it would not produce any neceſſity for giving employment to the two battalions.

Mr. Anſtruther proved the payment of the extraordinary contribution levied upon the Rajah in 1778; the payment of it, when it was repeated in 1779; and the payment of it, for the third time, when it was reiterated in 1780. He proved alſo the payment of 2000l. ſterling, for the expence of the troops that had been marched to ſupport the demand.

He ſtated, that he would prove next, that Mr. Haſtings had diſobeyed the orders of the Company, by receiving a delegation of the powers of the Supreme Council from Mr. Wheler and himſelf, for no others were at that time at the Board; by virtue of which

delegation,

delegation, he was to exerciſe, while abſent from Calcutta, all the functions, and enjoy, in his own perſon, all the powers and prerogatives veſted by law in the whole Council, or the majority of it.

For this purpoſe, Mr. Anſtruther produced an order, made in the year 1702, by the Court of *Managers*, (ſuch was the name borne by the repreſentatives of the United Companies, immediately after their Union, and ſince changed into that of *Directors*) by which it was ordered, that all their important concerns in India, ſhould be managed *in Council*, and *no where elſe*.

The Counſel for Mr. Haſtings objected to the admiſſion of this evidence: for though it appeared that it was an order made for the direction of the Company's Governors abroad, yet no proof had been given that the order had ever reached India, and had been delivered to thoſe who were to be bound by it. A Clerk of the India-Houſe, who was examined upon this point, ſaid, that there was a book in the Company's Houſe in London, which contained a detailed account, ſent home from India, by order of the Court of Directors, of all the ſtanding orders that had been received by

by the Boards and Precidencies abroad, from Leadenhall-ſtreet; and that in that book, he believed there was a copy of the order in queſtion. It was admitted, that if it was, this would be admiſſible evidence; time was therefore given by the Court to the Managers, to produce that book, and they ſaid they would produce it to-morrow.

To prove the facts relative to the cruelties and injuſtice ſaid to have been exerciſed upon Cheit Sing, Mr. Anſtruther ſaid, in order to criminate the Priſoner on this head, he did not deſire better documents than the narrative drawn up by Mr. Haſtings himſelf, of all the particulars of the Governor General's expedition to Benares; his rigorous and unjuſt treatment of the Rajah; and his final expulſion from his dominions.

The Clerk of the Court was accordingly directed to read this long narrative; but, before he could get through it, it began to grow dark in the Court, it being near half paſt five o'clock: their Lordſhips, therefore, reſolved to adjourn till to-morrow.

FRIDAY,

FRIDAY, FEBRUARY 29.

This day the Clerk read the remainder of that part of Mr. Haſtings's narrative, which related to the Rajah, Cheit Sing.

The Managers then produced the book from the India Houſe, of which mention was made yeſterday. From that book it appeared, that the order from the Court of Managers in 1702—" that the Company's affairs ſhould " be managed *in Council*, and *not elſewhere*,"—muſt have been tranſmitted to, and received by, the Government in India, becauſe, in a return made by the General Council of Fort William, in 1737, in obedience to a command of the Court of Directors, that copies of all ſtanding orders for the direction of the Council, the particular order of 1702 was enumerated. —This evidence was read for the purpoſe of ſhewing, that when Mr. Haſtings had acted with the powers of the whole Council, in Benares, and elſewhere, out of Calcutta, he had infringed that order. But this was not the only breach of ſtanding orders, which the Managers endeavoured to prove againſt the Priſoner. They ſhewed, that by another order, there was to be but one Supreme Council

for Bengal, Bahar, and Oriſſa; and that this Council was to reſide always at Calcutta. They then proved, that, in defiance of this order, Mr. Haſtings had ſet up a double General Council, one in Calcutta, in the perſon of Mr. Wheler; the other in Benares and elſewhere, in his own perſon: for, by an inſtrument of Government, made in Council by Mr. Haſtings and Mr. Wheler, who were then the only Members of that Board, it was provided, eſtabliſhed, and made an act of Council, that all the power of the whole Council ſhould veſt in the perſon of Mr. Haſtings, whether in or out of Bengal; and that his commands ſhould be as obligatory upon all manner of perſons, under the government of the Supreme Council, as if they iſſued from the Supreme Council itſelf:—and by the ſame inſtrument it was provided, that Mr. Wheler ſhould continue to reſide at Calcutta; and that all his public acts and orders ſhould be of as much authority, as if they were the acts and orders of the Supreme Council. Thus two Councils were eſtabliſhed inſtead of one; and a Supreme Council exiſted *out* of Calcutta, in the perſon of Mr. Haſtings, contrary to the order of the Court of Directors.

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The Counſel for Mr. Haſtings obſerved, that all the originals of the ſtanding orders in Bengal had, with a great quantity of papers, been conſumed by an accidental fire, which happened at Patna, in the year 1756; they therefore ſubmitted, whether evidence of the exiſtence of thoſe orders before that accident, and conſequently before Mr. Haſtings was Governor of Bengal, could be admitted as proof that thoſe orders had been renewed, and officially made known to Mr. Haſtings. A Clerk from the India Houſe —could not ſay whether any copies of thoſe orders had been ſent to India ſince the fire in 1756; but he knew that it was generally underſtood at the India Houſe, that theſe orders were known in Bengal, and ſerved as general directions for the Supreme Council of Bengal.

The Counſel for Mr. Haſtings deſired to know whether ſome orders, diſpenſing with, or contradictory to theſe, had not been ſent to India ſince the year 1756?

The Committee of Managers obſerved, that if ſuch extraordinary orders had ever exiſted, they would be matter of defence for the Priſoner, and he would of courſe give them in

evidence, if he could; at preſent it was premature to mention them. The Commons were making out their caſe; they had charged Mr. Haſtings with diſobedience of orders; they had eſtabliſhed thoſe orders in evidence; and they had proved the acts which violated them. The Priſoner, in his Defence, muſt prove, either that he did not do any thing which could be a violation of theſe orders; or that they had been reſcinded or ſuſpended by other orders, before the acts were done, which the Commons ſtated as inſtances of diſobedience.

The next breach of orders proved by the Commons, was this:—That Mr. Haſtings, by the inſtrument of Government, which delegated the whole power of the Council to himſelf *out* of Bengal, and to Mr. Wheler *in Calcutta*, he had provided, that the army out of Bengal ſhould be at his command, and as much bound to obey his orders, as if they had emanated from the United Council at Calcutta.—This the Commons ſaid was in direct violation of the orders given unto him in the commiſſion ſent out to India, conſtituting him Governor General in Bengal. The original draft of the commiſſion was produced from the India Houſe, and a part of it was read, which ſays, That as often

often as the Governor General ſhall leave Calcutta, he ſhould have no other military attendants than his ordinary body guard; and that, while abſent from Calcutta, he ſhould by no means have any command whatever over the army.

Mr. *Adam*, who was the acting Manager this day, filled up a gap left in that part of the evidence given yeſterday, relative to the appointment of Reſidents. It appeared from minutes, which were given in evidence of the ſecret conſultations of the Council of Bengal, that Mr. Haſtings had propoſed the removal of Mr. Fowke from the office of Reſident at Benares, to which he had been appointed by the ſpecial order of the Court of Directors: that in this conſultation he admitted, that he had not the leaſt doubt of the abilities or probity of Mr. Fowke, for whoſe character he had the higheſt reſpect; but that he thought, that in ſo arduous a ſituation as the Government of India was likely to occupy, on the approach of a French war, it was proper that he ſhould have a perſon for Reſident at Benares, in whom he could place a particular confidence; that while a Reſident, who was not of his appointment, ſhould reſide in that country

try, he would be conſidered as a ſkreen between the Rajah and the Government at Calcutta.

It appeared alſo, that Mr. Haſtings propoſed at the ſame time, that, in order to make a compenſation to Mr. Fowke, for his removal from his reſidence at Benares, the Council ſhould concur with him, in giving up to that Gentleman the office of Purveyor General of Proviſions for the Government of Bengal; and that he ſhould be allowed, as a reward for his trouble, his care, and diligence, *fifteen per cent.* upon all his diſburſements for thoſe proviſions. This mode, Mr. Haſtings ſaid, he preferred to a contract, though he knew the public might ſuffer more by it than by a contract, unleſs the perſon employed was a man of probity; but the known integrity and honour of Mr. Fowke would, he ſaid, ſecure the public from any loſs in this meaſure. This was read in evidence, to ſupport the charge, that Mr. Haſtings had diſobeyed the order of the Court of Directors, or rather revoked it, of his own authority, with a view of ſubſtituting a creature of his own, in the room of a perſon to whom he himſelf gave ſo high a character, and to whom he had intruſted a branch of the pub-

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lic ſervice, which, in the hands of a man who could not be truſted, might be made the means of defrauding the Company to a very great amount. In the courſe of the evidence, ſome little difference of opinion took place between the *Lord Chancellor* and *Earl Fitzwilliam*, reſpecting the printing of ſome papers, ſmall parts only of which had been read.—Lord Fitzwilliam thought, that if the whole was not read, the whole could not be printed under the order of their Lordſhips; that whatever ſhould be read or ſaid, *viva voce*, in evidence, ſhould be daily printed for the uſe of the Peers.—But *Lord Camden* removed the noble Earl's difficulty, by ſaying, that as the whole of the papers alluded to had been admitted as evidence, ſo the whole might be printed, though only a part had been read: he ſaid, that as the trial was likely to laſt a very long time, their Lordſhips would have an opportunity of reading and ſtudying thoſe papers, before they ſhould be called upon to pronounce their judgment; and he, for one, would move that the parts which had not been read, ſhould be printed, as well as thoſe that had.

Lord *Stanhope* put an end to the converſation, by obſerving, that whatever related to the printing

printing of the evidence muſt be diſcuſſed, not in that Court, but in their Lordſhips' own Houſe.

The Commons then went on with evidence, relative to the confinement and expulſion of Cheit Sing; and in order to give their Lordſhips an idea of the ſenſe which the Hindûs entertain of the indignity of being confined, and having a guard placed over them, a letter was read from Sujah ul Dowlah, when his troops and ours were going to join, to our commander, for the purpoſe of inſtructing him how he ſhould behave to the Hindûs, if he ſhould have occaſion to puniſh them. This Prince ſtated in his letter, that ſome of the Hindûs conſider confinement, under a guard, as ſo diſgraceful, that rather than ſubmit to it, they would oppoſe the guard, and even looſe their lives ſooner than bear what in their opinion, is the greateſt indignity that can be offered to them.

After this the Commons proceeded to the ſiege and ſurrender of Bidjigur, and the plunder of Cheit Sing's mother; the delivering up the treaſure and plunder to the army; the new ſettlement of Benares under a new Rajah; the encreaſe of the tribute beyond the country's means;

means; the depoſition of Durbege Sing, the father of the young Rajah, from the office of Miniſter and Guardian to that Prince, who was under age; and the death of that Miniſter in confinement.

After ſeveral written documents had been given in evidence on theſe different heads, the Committee of Managers informed the Lords, that they had ſome *parole* evidence, with which they intended to cloſe their caſe on the Firſt Charge. They then called

JOHN STABLES, Esq.

The ſubſtance of this gentleman's evidence was, that he was an Officer in the Company's ſervice; that in 1764, he had been in the province of Benares between two and three months; that he had marched with the army to which he belonged, under the command of (then) Major Hector Munro, from Buxar to Benares, and round that city, where the army encamped. The country through which the army paſſed, appeared to him to be in high cultivation, and very populous; the villages were numerous, lying moſtly within two miles of each other, and were very populous. The troops, he ſaid, were not ſuffered to go into the

city of Benares, (which he deſcribed as open and defenceleſs) becauſe it was the reſidence of religious perſons, and others of very great property; centinels were ſtationed round the camp, to prevent the ſoldiers from ſtraggling into the city, or annoying and diſturbing its peaceable inhabitants.——He knew Bulwant Sing, the father of Cheit Sing: he had the honour one day of riding out with him, and in paſſing through the villages, his ſubjects thronged the ways to ſee him, and gave him every mark of the ſtrongeſt affection. Mr. Stables had not reſided long enough in the country to know preciſely by what title Bulwant Sing held his country; but from all he ſaw and heard, he was induced to conſider him as a *great Prince*:—he underſtood that he had been originally a great Zemindar; but that he had, in ſome meaſure, rendered himſelf independent of the Nabob Vivier, who claimed to be the ſuperior Lord of Benares. Being aſked what inſtance he could give of his having rendered himſelf independent, he ſaid, that he had refuſed to obey the order of the Nabob, to appear in his preſence; that he had treated with the Engliſh to join their army with his forces; and that the Engliſh had done every thing

thing to induce him to take ſuch a ſtep.—He underſtood, that, for his Province, he paid a tribute to the Nabob;—but he never conſidered him in the mean light of a *vaſſal*. He ſaid, that the Rajah had joined the Nabob in 1764, when that Prince was preparing to invade Bengal; and that he brought the Nabob a body of near 10,000 cavalry; that he ſerved in the Nabob's army, but had a ſeparate command, and all his own troops were under his own immediate orders. Some queſtions having been put to Mr. Stables, by the Counſel for Mr. Haſtings, and by ſome Lords, particularly the *Archbiſhop of York*, the tendency of which was to ſhew that Bulwant Sing was a vaſſal to the Nabob, and as ſuch bound in time of war to obey the ſummons of his ſuperior Lord, and attend him to the field. *Lord Stormont* aſked, if the witneſs had ever heard or known an inſtance of a *vaſſal* who was bound by his tenure to attend his Lord in his wars, *commuting* that ſervice for a *tribute?* The witneſs anſwered in the negative. The tendency of this queſtion was to ſhew, that as Bulwant Sing paid a tribute, he was not a *vaſſal*.

MR. CALCRAFT was next called and examined.

The ſubſtance of his evidence was, that he had been Aid-du-camp to Major Popham at the ſiege of Bidjigur; that the day after the fort was taken, the money found in it was divided among the troops; that, on the next day after that, he was diſpatched to Mr. Haſtings, who was at Chunar, (about 40 or 50 miles from Bidjigur) with an account of the ſurrender of the fort, and the diviſion that had been made of the plunder. The latter part of the intelligence was received by Mr. Haſtings with great diſſatisfaction; and he expreſſed much ſurpriſe that Major Popham ſhould have proceeded to ſuch a meaſure, without conſulting him, who was at ſo ſhort a diſtance from him. Mr. Calcraft replied, that he had ſeen a letter from Mr. Haſtings to Major Popham, which he conceived, as well as every one who had ſeen it, to be a ſufficient order or warrant for his dividing the plunder among the troops.—To this Mr. Haſtings replied, that the letter alluded to could not be called an order; it was a private, and not a public letter. Mr. Calcraft, remarked, that it might well be conſidered as a publi-

a public letter, becauſe it related to public matters. Mr. Haſtings then ſaid, that he would make the Officers refund their ſhare of the plunder: Mr. Calcraft told him that would be impoſſible. The Governor General then wiſhed that the Officers might be prevailed upon to give up the money then, as the Company was in great want of it, and he would uſe his influence with Mr. Wheler, and Mr. M'Pherſon, the other two Members of the Council, to give it to them afterwards. But this, Mr. Calcraft ſaid, never was done. The witneſs ſaid, that Mr. Haſtings obſerved, that if any diviſion of plunder could have been made without injury to the Company, Colonel Blair, and Major White, who commanded at Chunar, ought to have had a ſhare in it; but this was not admitted by the detachment under Major Popham. Mr. Calcraft ſaid, that the idea he had before the ſiege was, that if there ſhould be found a large ſum of money in the fort, the Governor-General would have taken it for the Company; but if it was ſmall, he would ſuffer it to be divided among the troops. However, the witneſs changed his mind after he had read the Governor General's letter to Major Popham; for he conceived, that, under

that letter, the army would have been intitled to the plunder of the fort, however rich it might be. He ſaid, he carried a ſabre, which was part of the plunder, as a preſent from the Officers of the detachment to the Governor General, as a mark of their reſpect and regard; and he alſo preſented from the Officers, ſome pieces of ornamental plate, which they requeſted Mrs. Haſtings would do them the honour to accept.

Mr. Haſtings, ſaid, that, as a mark of the reſpect and regard of the detachment, he would accept the ſabre; but on this condition, that the officers would refund the treaſures they had divided; for if they refuſed ſo to do, neither the ſabre nor the other preſent ſhould be received. The witneſs ſaid, that the ſabre was not one of any great value; that he left it, and the plate, in the poſſeſſion of Mr. Markham, and that he knew not whether they had ever ſince been received by Mr. or Mrs. Haſtings; but he was rather inclined to think they had not. He ſaid, the money found in the fort amounted to about 24 or 25 lacks of rupees; upon which the Rannee (the Princeſs, mother to Cheit Sing) had had an allowance of 15 per cent; the reſt was divided fairly by

a committee

a committee of officers. He did not believe any violence had been offered to the Rannee herſelf; but her attendants had been plundered; by whom he could not tell; Major Popham had endeavoured to diſcover it, but in vain.

MR. BENN

Was next called—he had been Aſſiſtant to the Reſident at Benares: he ſaw that country in the year 1786; he travelled over the greateſt part of it, and found it, at that time, in high cultivation; it was then, with reſpect to population and cultivation, nearly in the ſame ſtate in which it had been in 1783. [*This evidence with reſpect to the ſtate of the country ſeemed to be different from what the Commons expected.*] He thought however, that the new tribute of 40 lacks, or upwards of 400,000l. was greater than the country could bear. Mr. Benn ſaid, he knew Durbege Sing, but he had never heard him complain that he could not collect the revenue, or get in the ſix lacks allowed for the ſupport of the young Rajah's houſhold.

He remembered that this Miniſter had been impriſoned from October or November, till the following April: that he was afterwards impriſoned again, and died in his confinement of diſeaſe.

diſeaſe. But his priſon was a houſe in the middle of a garden, that contained ſix or eight acres, walled in; he had the liberty of walking all over the garden; and the guards were not within his view, but poſted on the out-ſide of the wall.

After Mr. Benn had been croſs-examined by Mr. Haſtings's Counſel, Mr. Anſtruther thinking that there was variance between the evidence given by the witneſs now, and that which he gave before the Houſe of Commons, read ſome of the evidence he had given before the latter, and aſked him if it was not true that he had given it?

The Counſel for Mr. Haſtings objected to the queſtion; they ſaid, that it was not to be endured, that the Managers ſhould diſcredit their own witneſſes, merely becauſe he had given a teſtimony different from what they expected; that ſuch a proceeding was contrary to all practice, and to reaſon.

Mr. Fox, Mr. Adam, Mr. Anſtruther, and Mr. Taylor, contended, that the queſtion was perfectly fair and proper; they did not wiſh to diſcredit the witneſs, becauſe he had given a teſtimony different from what they expected; but becauſe he differed from himſelf. All the

witneſſes

witneſſes, except the firſt gentleman (Mr. Stables) whom they had already examined, and ſhould examine in the courſe of the trial, ſtood in ſuch a relation to the Priſoner, that they might be conſidered as unwilling witneſſes againſt him. Should, therefore, any of them vary from evidence they might have already given, it could not be improper that their memory ſhould be refreſhed, by having read to them their former teſtimony. Mr. Fox ſaid, that a ſimilar caſe happened at the trial of *Lord Lovat*:—a witneſs who differed in the evidence he gave before the Lords, from that which he had previouſly given in his information before the Houſe of Commons, was called upon in the way now propoſed to refreſh his memory; and the then Lord High Steward, who was as great a lawyer as ever filled that high office, or any other in the law, did not think the proceeding contrary to practice; for he admitted it. The EARL of HARDWICKE was, at that time, Lord High Steward.

Mr. *Burke* obſerved, that all examination of witneſſes was calculated ſolely for the purpoſe of getting at truth; and, therefore, even if the Commons, or the Counſel on the other ſide, ſhould omit to aſk any queſtion calculated

to draw forth truth, their Lordſhips themſelves would put that queſtion.

For the laſt half hour, the different parties were debating in the dark; for night had ſet in, and no candles were introduced. The Lords at laſt adjourned to their own Houſe, to deliberate upon the matter in iſſue between the parties.—It was almoſt ſeven o'clock when their Lordſhips left the Hall.

When they had got into their Houſe, they ſtated the queſtion to the Judges then preſent; and all, except the Lord Chief Baron, were of opinion, that the Committee of Managers were warranted by law in preſſing the queſtion they had put to the witneſs. But as all the twelve Judges were not preſent, the Lords agreed that no deciſion ſhould be made on the caſe until all the twelve ſhould have been conſulted. And as their Lordſhips might have frequent occaſions to call upon the Judges for legal opinions, it was reſolved, that the further proceedings on the trial ſhould be adjourned to the 10th of April, that the Judges, who were to go the Circuit, might be returned before the next ſitting of the *High Court*.

END OF PART THE FIRST.